THE JOURNAL OF AMERICAN CITIZENSHIP

POLICY REVIEW

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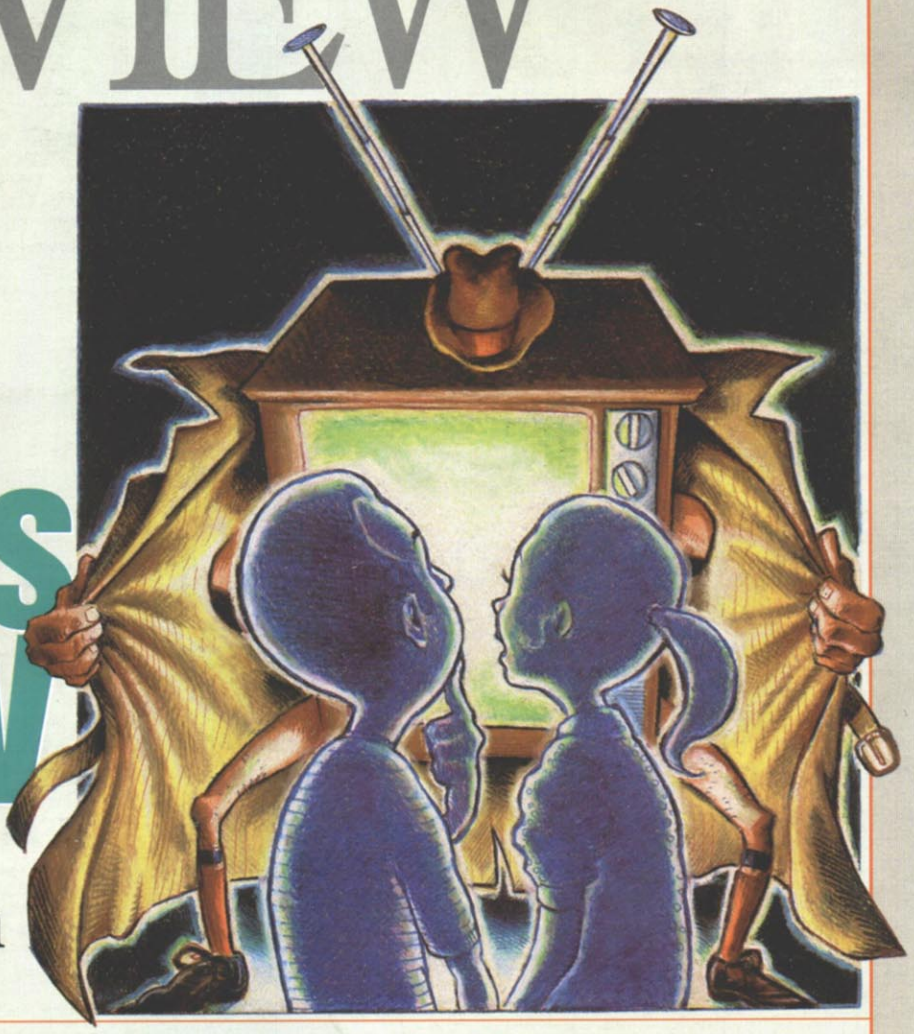

Why Parents Hate TV

By Senator Joseph Lieberman

Govs I Love: The Revolution in the States
Grover Norquist

The Moral Obligations of Corporate America
Michael Novak

Holy Toledo!
Global Trade Ignites Blue-Collar Boom

Unlocking the Jury Box
Our Liberty Requires a More Democratic Court

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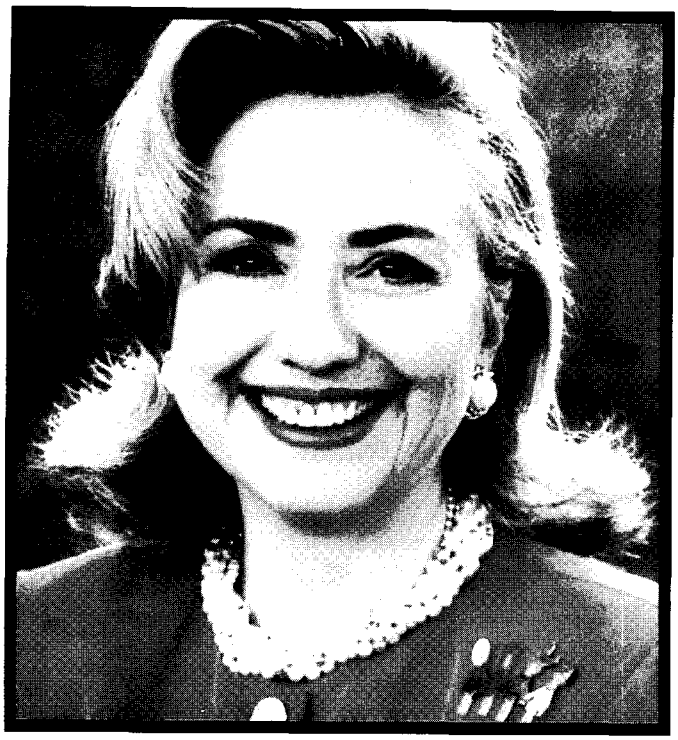
"There's no such thing as other people's children."*

– Hillary Rodham Clinton

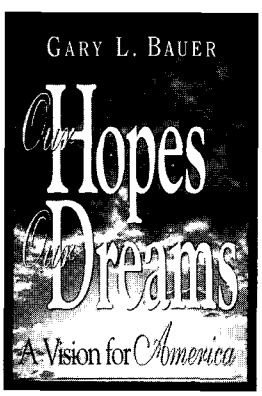


The first lady wants you to believe "it takes a village to raise a child." Gary Bauer wants you to know why the village can't replace Moms & Dads.

Mrs. Clinton actually believes *"there's no such thing as other peoples' children."* That's why her new book lays out ambitious plans for "the village" to raise America's children. She is determined to implement these and other plans through the power of the Federal government - radical plans that can only separate children from their parents:

- ✖ *"Children's Rights" to choose their own medical treatment, education, and entertainment, even without parental consent.*
- ✖ *Abortion-on-demand for minors through taxpayer-funded health care.*
- ✖ *Explicit sex education materials for all elementary school children.*

But Gary Bauer's book *Our Hopes, Our Dreams* is a pro-family alternative to the first lady's far-reaching plans. *Our Hopes, Our Dreams* is a positive vision for America's children. It's based on self-reliant families who don't need the counterfeit authority of the global "village," *or* the approval of government bureaucrats, to make the vital decisions in their lives.



This pivotal debate on the family will determine the future of how you will be allowed to raise your children. *Our Hopes, Our Dreams* outlines the issues and offers practical steps to ensure that the right to raise your family stays where it belongs - at home with you.

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* *Newsweek, January 15, 1996*

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Family Research Council 700 Thirteenth Street NW, Suite 500 Washington, D.C. 20005 Gary L. Bauer, President

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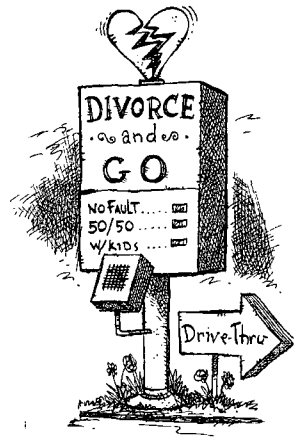

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THE JOURNAL OF AMERICAN CITIZENSHIP

Statement of Purpose

Our mission is to revive the spirit of American citizenship by recovering the core political principles of our Founding Fathers and by articulating and advancing the conservative vision of civil society.

Policy Review: The Journal of American Citizenship illuminates the families, communities, voluntary associations, churches and other religious organizations, business enterprises, public and private schools, and local governments that are solving problems more effectively than large, centralized, bureaucratic government. Our goal is to stimulate the citizenship movement—chronicling its success stories, exposing its obstacles and opportunities, and debating the policies that will best invigorate civil society.

American citizenship combines freedom with responsibility. These are the two great themes of modern conservatism, and they build on the best of the American tradition. Americans come from all races, all nationalities, all religions. Americans are united in citizenship not by common ancestry but by a common commitment to the political principles of the United States: the Constitution, the rule of law, the rights to life, liberty, and the pursuit of happiness.

Americans are united, too, by the common duties of citizenship: the obligation to protect our country from foreign enemies, to take care of our own families, to participate actively in civic life, to help our neighbors and communities when they are needy, and, in turn, not to take advantage of others' generosity when we can take care of ourselves.

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"The world is moved not only by the mighty shoves of the heroes, but also by the aggregate of the tiny pushes of each honest worker."

—Helen Keller

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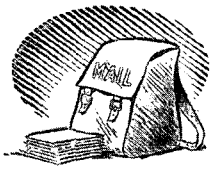

Correspondence

Olasky's Welfare Trampolines

To the Editor:

Marvin Olasky turns good ideas like decentralization and community-based problem-solving into an anarchic vision of people bouncing on custom-made trampolines that magically appear when needed ("The Right Way to Replace Welfare," March-April 1996). His trampolines, unfortunately, have more holes than the safety net he disparages.

Olasky notes, for example, that Medicaid receives one-third of the government's poverty-fighting money. The bulk of this money is allocated for nursing-home care, however. How will doctors volunteering in public clinics (assuming they volunteer) solve our elder-care problem? Doctor's fees are not the big-ticket items in health care. And why should doctors receive a tax credit equivalent to 10 percent of their salaries for devoting 10 percent of their time to clinics when Olasky suggests a minimum-wage rate for the rest of us volunteers?

Nearly all of Olasky's solutions are plagued by such holes, which would make legislating a tax-exemption-based welfare system a nightmare for the states.

Anna Kondratas
Springfield, Va.

To the Editor:

Marvin Olasky's call for an end to the federal safety net provides new cause to celebrate, but I fear that his attempt to incentivize compassion will undermine the potential for radical change.

By requiring the individual taxpayer to give at least $3,000 to qualify for a $2,500 tax exemption, Olasky seems to concede that private giving will have to match federal contributions in order to meet a moral litmus test. Even if it is politically useful to demonstrate that we are changing the identity of the helper, we should guard against implying that help is measured in dollar amounts only—or that need cannot be moderated by inspiring self-sufficiency.

Jennifer E. Marshall
Family Research Council
Washington, D.C.

To the Editor:

Olasky's argument to bag collective safety nets for the poor in favor of individualized trampolines is a step in the right direction, but is not without its challenges.

First, states without a personal income tax would be unable to offer tax exemptions for practicing charity.

More significantly, there may not be enough trampolines initially to meet the needs of the poor. Most large private charities owe their sustenance to government grants and refuse to operate without them. Small private charities, including many religious organizations, are still smarting from wounds inflicted by regulators and anti-religious zealots. And individuals, so long removed from direct acts of compassion, don't know who the needy really are anymore.

Lynn Harsh
Evergreen Freedom Foundation
Olympia, Wash.

President Brownback?

To the Editor:

Congressman Sam Brownback delivers an excellent description of where this country should be going ("A New Contract with America," March-April 1996). His plan to dismantle the federal government and restructure it within constitutional bounds is more significant than anything we've heard from the GOP's presidential candidates. Brownback for President!

William H. Atchison
Gillett, Pa.

Not Neutral on Religion

To the Editor:

Senator Bob Dole correctly challenges the Supreme Court's approach to Establishment Clause jurisprudence ("Preserve, Protect, and Defend," Jan.-Feb. 1996). Purging religion from public life is believed necessary to protect, in the words of Thomas Jefferson, the "wall of separation between church and state." But in building constitutional doctrine upon this dictum, the Supreme Court ignores James Madison's vision for the Establishment Clause. Madison did not believe the Constitution requires neutrality on the part of government between religion and nihilism. He believed the First Amendment prohibited the establishment of a national religion and prevented discrimination among sects. American history is full of examples of government's support for religion.

Consider the text of the Declaration of Independence, which Jefferson wrote. In telling us that our nation was founded on "the Laws of Nature and Nature's God," it explains why our government is not merely a government of force, but of moral right. It makes clear that we are beholden to God's law. Would not Jefferson be alarmed if he knew that these first principles of our Founding could not be taught as truths to children in our schools?

Gregory R. Mueller
Brigantine, N.J.

Government Sabotage

To the Editor:

Hats off to John Walters for explaining how federal labor law makes mass transit more expensive and less extensive than it should be ("Bus-jacking the Revolution," Jan.-Feb. 1996). In addition, the American with Disabilities Act saddles mass-transit agencies with a costly unfunded mandate: They are required to spend hundreds of millions of dollars to make buses accessible to the disabled. The federal government has sabotaged public transportation.

Michael F. Lewyn
Chevy Chase, Md.

Correction: In "Charities on the Dole," by Kimberly Dennis (March-April 1996), we erroneously reported that Volunteers of America derives 96 percent of its budget from government funds. The correct figure is 71 percent.

Letters to the Editor

Policy Review: The Journal of American Citizenship welcomes letters to the editor. We reserve the right to edit correspondence for length, clarity, and civility. Write to:

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We the People

AMERICA'S SOCIAL ENTREPRENEURS

Micro Wave

A Massachusetts nonprofit creates opportunity in the inner city through peer-group lending.

With its frigid winters, rocky soil, and lack of mineral wealth, New England was an unlikely center of economic dynamism in the early American republic. But the Unitarians of Massachusetts, Baptists of Rhode Island, and Congregationalists of Connecticut boasted an asset more precious than tobacco or gold: an industrious, courageous, imaginative population that created opportunity in the most surprising places.

If New England had no resources, its intrepid sailors would find them elsewhere. Salem became the spice entrepôt of the world, New Bedford the whaling capital. New Englanders even found ways to make money from the cold, mining and transporting ice to China and the East Indies.

A visionary in the New England tradition is creating opportunity where most people see only hopeless poverty: the inner city. Jeffrey Ashe started Working Capital in 1990 to provide small loans to borrowers cut off from commercial banking: home-based and storefront businesses in poor urban and rural areas. Since then, this nonprofit, based in Cambridge, Massachusetts, has financed and trained more than 2,200 micro-businesses in New England, Delaware, and Florida. Its loans now total more than $2 million.

"We practice reverse redlining," says Ashe. "We lend in areas where commercial banks usually won't go, and at amounts too low for commercial lenders to justify the paperwork." Loans from Working Capital start at $500 and rise to $5,000, versus the typical commercial minimum of $25,000 to $50,000.

Working Capital doesn't check the credit of its borrowers, nor does it ask for collateral. And yet, despite lending in inner cities, the program has an astonishingly low write-off rate of 2 percent, and only 6 percent of its borrowers are behind in their payments.

Ashe reduces credit risk through an ingenious idea called "peer-group lending." Five to 10 business owners seeking loans come together and agree to provide a kind of social collateral for each other's debts. Working Capital will give new loans to group members only if all the loans from their peers are up to date. Borrowers therefore press each other to make their loan payments on time. This gives all the members an incentive to help each other find customers. And borrowers will join groups only with others of good character. Says Ashe: "People size each other up on the basis of trust."

"We become family," says Leonor Sanchez, who runs an export-import business in Lawrence, Massachusetts, and has been with a group for three years. To keep their group together, Sanchez and her peers have made payments on three occasions when a member was at risk of defaulting. In another case, a borrower had to sell her equipment to pay off her loan, and the group helped find a purchaser. Fellow members of Sanchez's group include an auto body shop, a bakery, a home-based TV and VCR repair shop, an Avon saleswoman, and several vendors of clothing and jewelry.

The approach seems to work in a variety of settings. Lawrence, one of New England's poorest cities, has 32 active lending groups, consisting mainly of Hispanic immigrants. Vermont has a successful Working Capital program for rural entrepreneurs. And a new program in Delaware, run by the New Castle County YWCA, concentrates on African-Americans. In its first year, according to program director Mary Dupont, it has given 105 loans with a repayment rate of 100 percent.

Lending groups were pioneered by the Grameen Bank in Bangladesh, which has given micro-loans to two million peasant women. Ashe became familiar with the idea in the 1970s and 1980s while working with Accion International, a micro-lender in Latin America. Leading U.S. programs include the Women's Self-Employment Project, run by Chicago's South Shore Bank; the Rural Economic Development Center, in North Carolina; and an Accion International program in the Southwest. According to Margaret Clark, a micro-lending specialist at the Aspen Institute, "this is one of the few minority business-development strategies that delivers what it promises."

Working Capital is still America's largest peer-group lender, and Ashe is looking for partners in new cities. He also aims to reduce the program's costs so that Working Capital can break even in five years. "We'll be able to create even more jobs," he says, "when we become self-sustaining."

Peer lending has so far attracted more attention on the Left than on the Right. Working Capital takes government funding as well as money from the left-wing MacArthur Foundation, and the idea is a favorite of Hillary Clinton's.

But Jeffrey Ashe's social capitalism merits a closer look by conservatives. His themes, after all, include escaping poverty through entrepreneurship, honoring one's debts, fostering community self-help, and making a profit. Asked how the private sector could help, Ashe says: "Invest in our programs. We'll pay you back in 10 years, and you will have helped create thousands of new jobs in some of America's poorest communities."

Working Capital can be reached at 99 Bishop Allen Dr., Cambridge, Mass. 02139. Tel.: 617-576-8620; fax: 617-576-8623.

by Adam Meyerson

Adam Meyerson is a vice president of The Heritage Foundation and the editor of Policy Review: The Journal of American Citizenship.

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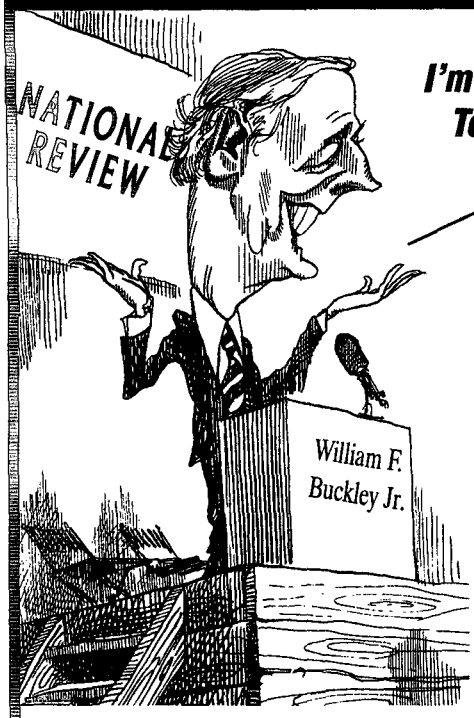
HEY, MR. BUCKLEY, YOUR TEAM JUST WON THE NOVEMBER SUPER BOWL. NOW WHERE ARE YOU GOING?



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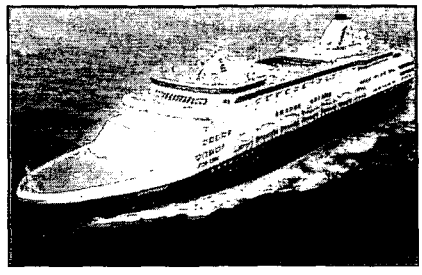

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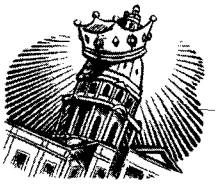

Abuses and Usurpations

A Wet Blanket for Volunteer Firefighters

by John P. Walters

John P. Walters is the president of the New Citizenship Project, based in Washington, D.C.

Last summer, a brush fire in West Hampton, New York, burned for more than two weeks, consuming 5,000 acres and 12 homes. Several thousand volunteer firemen from 192 fire departments risked their lives to battle the blaze. According to the Clinton administration, many of them also broke the law.

Volunteer fire departments are pillars of suburban and rural life. About 1.2 million of America's 1.5 million firemen and rescue workers are volunteers, and they staff more than 21,000 firehouses across the land. Until recently, many of them were professional firemen who donated their expertise and time to volunteer companies based in their local communities.

The Clinton administration, however, has erected a fire wall between volunteer and professional firefighting. The Labor Department ruled in 1993 that firefighters employed by government are barred from offering their services *gratis* in their own communities. They risk fines and even the loss of their jobs for what the government has deemed a crime: volunteering to protect their own homes and neighbors.

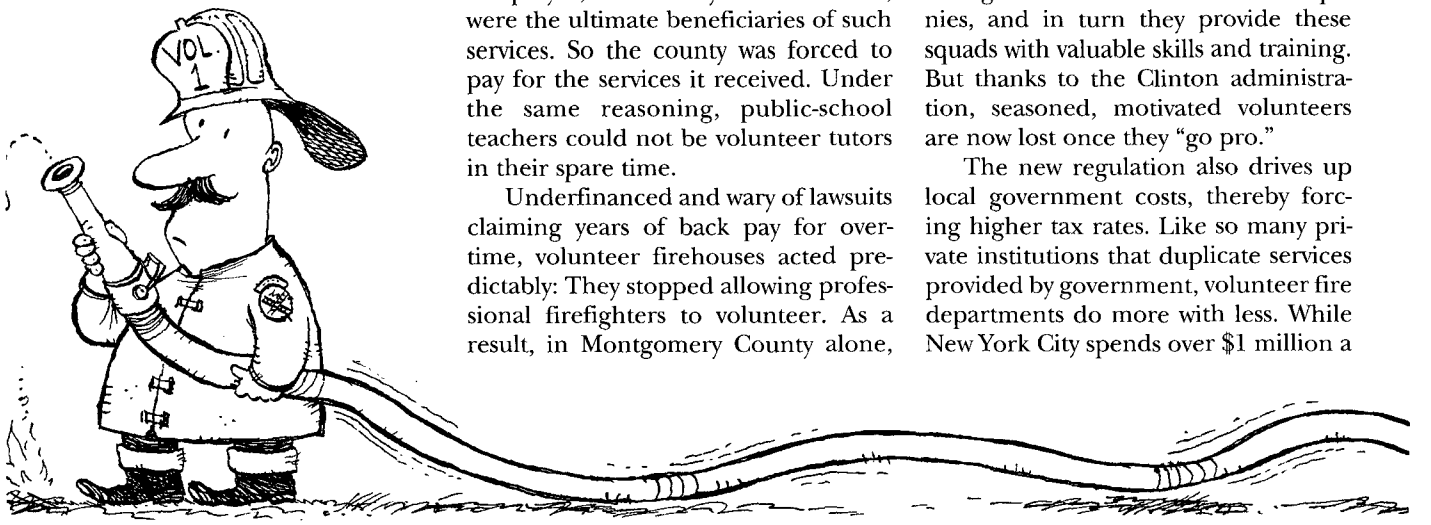

Illustration by David Clark

The 1993 ruling came in response to complaints by paid firemen in Montgomery County, Maryland, that they lost overtime wages when other firemen volunteered in their spare time. Prodded by the International Association of Firefighters (an AFL-CIO affiliate), the Labor Department decreed that municipalities and counties must pay overtime to volunteers who are also full-time paid firemen and rescue workers.

The logic of the department's decision threatens to undermine all voluntary activity by public employees. Reinterpreting the Fair Labor Standards Act, which prohibits paid employees from volunteering similar services to the same employer, the agency ruled that Montgomery County firemen could not volunteer in independent, privately run firehouses because their "employer," the county and its citizens, were the ultimate beneficiaries of such services. So the county was forced to pay for the services it received. Under the same reasoning, public-school teachers could not be volunteer tutors in their spare time.

Underfinanced and wary of lawsuits claiming years of back pay for overtime, volunteer firehouses acted predictably: They stopped allowing professional firefighters to volunteer. As a result, in Montgomery County alone, nearly 200 men and women could no longer offer their services without pay at the county's 38 private, independent firehouses.

The ruling, which allows professional firemen to volunteer only outside the county or city that employs them, has had ramifications far beyond Montgomery County. When the City of St. Cloud, Minnesota, merged with the surrounding Township of St. Cloud, the city's professional firehouse also merged with the township's all-volunteer operation, creating one jurisdiction where there previously had been two. The City of St. Cloud, fearful of liability for overtime pay and pressured by the union, forced its firefighters to choose between working for the city and volunteering. Not surprisingly, they chose their jobs.

The Department of Labor uses union-inspired regulations to extinguish a major source of help for communities that cannot afford professional firefighters.

Besides limiting the individual freedom of firefighters, this ruling threatens public safety. Volunteer fire companies generally serve communities too small to afford paid, full-time fire and rescue squads. Many professional firemen get their start in volunteer companies, and in turn they provide these squads with valuable skills and training. But thanks to the Clinton administration, seasoned, motivated volunteers are now lost once they "go pro."

The new regulation also drives up local government costs, thereby forcing higher tax rates. Like so many private institutions that duplicate services provided by government, volunteer fire departments do more with less. While New York City spends over $1 million a

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year to run a firehouse, its volunteer departments provide the same service for about $45,000—the average salary of a single city firefighter.

But perhaps most disturbing, the Clinton administration is undermining civic responsibility. Volunteer firehouses are multipurpose town halls, centers of community life for volunteers and ordinary citizens alike. Volunteering at the firehouse is a tradition passed down through families, anchoring them in the community and providing role models of civic leadership for generations.

With the support of the National Volunteer Fire Council, Virginia congressman Herbert H. Bateman has introduced legislation to correct the Labor Department's abuse of federal power. The Volunteer Firefighter and Rescue Squad Worker Protection Act would exempt paid firefighters and rescue workers from the FLSA overtime requirements if they volunteer their off-duty services at locations in their communities where they are not employed. The legislation would allow these volunteers to sign a waiver legally relinquishing their rights to overtime compensation under the act.

Congress will soon host its annual Fire and Emergency Services dinner, a huge gala honoring the emergency-services community and the members of Congress who support it. The brave men and women who battled the brush fire at West Hampton last summer will be singled out for their service. Standing among them will be many who broke the law by volunteering. Will they receive plaudits or pink-slips? Stay tuned.

Quotas in the Drug War

A 1992 drug bust by Los Angeles police and federal agents began as a routine undercover operation. Police made eight visits to a dealer's motel room, buying a total of 133 grams of crack cocaine. In the raid they seized firearms and arrested five men, charging them with drug trafficking. Because of the amounts of cocaine and the weapons involved, prosecutors indicted the men in federal court, where sentences are generally stiffer than in state courts.

So far, nothing unusual. Last year, 9,877 drug-trafficking cases were filed in federal courts. The L.A. bust was virtually a text-book case for the prosecution of cocaine dealers polluting neighborhoods with drugs and violence.

But then the NAACP and the ACLU added a new twist to the story: a claim of racial discrimination. The final chapter is now being written in the Supreme Court, which will soon decide how and when defense lawyers can play the race card in drug cases.

All the defendants in the 1992 case are black, as are most crack defendants in federal courts. Barbara O'Connor, a federal public defender, claims the government is targeting black defendants for prosecution in federal courts, instead of more lenient state courts, because of their race. O'Connor's client, Shelton Martin (a.k.a. "Psycho"), faces 35 years to life in federal prison; in the California state system, he would face only three to 10 years.

With legal support from the NAACP and ACLU, O'Connor convinced federal judge Consuelo Marshall to order prosecutors to explain why they decided to charge the men in federal court. The prosecutors appealed the order to the U.S. Ninth Circuit Court of Appeals, which ruled against them. The Justice Department then appealed the case to the Supreme Court, which heard oral arguments last February.

In *United States v. Armstrong*, the Court will decide not whether prosecutors discriminated against blacks, but under what circumstances prosecutors must account for the high proportion of blacks being charged with crack-cocaine trafficking in federal court. To be sure, there is a large statistical disparity between blacks and whites facing drug charges in federal court. According to prosecutors, 74.6 percent of the crack cases filed in the central California federal district from January 1992 through March 1995 were filed against blacks. Only one was filed against a white.

Does it suggest discrimination?

"It is undisputed that the manufacture and wholesale distribution of crack is concentrated in the inner city and is dominated by inner-city street gangs," says U.S. Attorney Nora Manella of California's Central District, which prosecuted the defendants in *Armstrong*. And it's no secret that the gangs who dominate the crack market, like the neighborhoods they prey on, are disproportionately minority.

"Our job isn't to set racial quotas," Manella says. "Our job is to pursue criminal activity and then let the chips fall where they may."

If the Supreme Court rules for the defense, it would force prosecutors to spend thousands of hours responding to frivolous claims, Manella says. Since the Ninth Circuit ruling, more than a hundred defendants have sued for discrimination.

An adverse ruling by the Court could also make prosecutors more concerned with eliminating statistical disparities than punishing drug dealers. That's law enforcement by quota, and it's the last thing our inner cities need, especially those residents hit hardest by crime: blacks and other minorities. Over half of all 1994 murder victims were black, for example, while blacks make up only 12 percent of the population.

"If we want to address disparities," says Reuben Greenberg, the black police chief of Charleston, South Carolina, "let's address disparities that really matter—like whether people live or die."

by Greg Forster

Greg Forster is a policy analyst at the Center for Equal Opportunity, based in Washington, D.C.

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Home Front

by Elizabeth Schoenfeld

Elizabeth Schoenfeld is a contributing editor of Policy Review: The Journal of American Citizenship.

Drumbeats for Divorce Reform

Lighting the Match

On September 5, 1969, with a stroke of his pen, California governor Ronald Reagan wiped out the moral basis for marriage in America.

Within five years, 44 states had followed California's lead in instituting some form of no-fault divorce reform. (Oklahoma and Maryland already had no-fault laws on the books, but the Golden State is credited with igniting a national wildfire.) Today, every state in the nation permits at least one of two no-fault mechanisms for dissolving a marriage: (1) one or both spouses can sue for divorce because of "incompatibility," "irreconcilable differences," or "irretrievable breakdown of the marriage"; (2) a couple can request a divorce after obtaining a legal separation and waiting a certain period of time. No longer must a spouse prove cruelty, desertion, or adultery, the traditional grounds for divorce.

At the time, such legislation seemed humane and enlightened. It was hailed as an overdue reform of a wink-wink, nudge-nudge system rife with hypocrisy and lurid accusations. Under the fault-based system, the suing partner had to prove the fault of the other and show themselves to be blameless; otherwise their respective culpability canceled each other's claims. Because the assessment of guilt determined the division of assets between spouses, the stakes were high. Even when both partners desired the divorce, they were often reduced to perjury and collusion, sometimes staging "adulterous liaisons" to be captured in grainy photographs by lurking private eyes. And the definition of cruelty in a marriage was stretched to ludicrous lengths.

Although attorneys and women's-rights advocates argued vigorously for reform, most Americans disagreed. In 1968, just before the wave of no-fault reforms, less than 20 percent of the general public wanted to make divorce easier, and nearly two-thirds wanted to make divorce laws even stricter.

It turns out that the public's instincts were right. With the advent of widespread no-fault divorce, the United States saw a dramatic surge in the number of divorces granted each year. In 1960, 16 percent of first marriages ended in divorce; today, the figure is closer to 50 percent. In the five years following the enactment of no-fault in California, the national divorce rate increased almost 40 percent.

The causal connection between the unravelling of divorce laws and the unravelling of marriages is admittedly debatable. But it seems clear that the states' drive to make divorce more humane inadvertently denuded marriage of any meaning. In her forthcoming book, *The Abolition of Marriage: How We Destroy Lasting Love* (see box, page 10), Maggie Gallagher, a scholar with the Institute for American Values, writes, "From a formal, legal standpoint, marriage is no longer an enforceable commitment." With no-fault divorce, wrote David Wagner in a paper for the Family Research Council, "marriage becomes nothing more than notarized dating."

Last year in *National Review*, Robert Plunkett, the vice dean of the Southern California Institute of Law, eloquently described the legal case against no-fault divorce: "The wedding vow has devolved from being the most serious and solemn oath a typical person ever made into being less than a contract. An oral contract made with a two-year-old is more binding than the contract of marriage; it at least binds one party, the adult. A marriage contract is binding on no one."

Equally clear is the harm to innocent parties under the no-fault regime: They have been stripped of their legal protection. Even when one spouse desperately wants to keep the marriage together, he or she has no legal re-

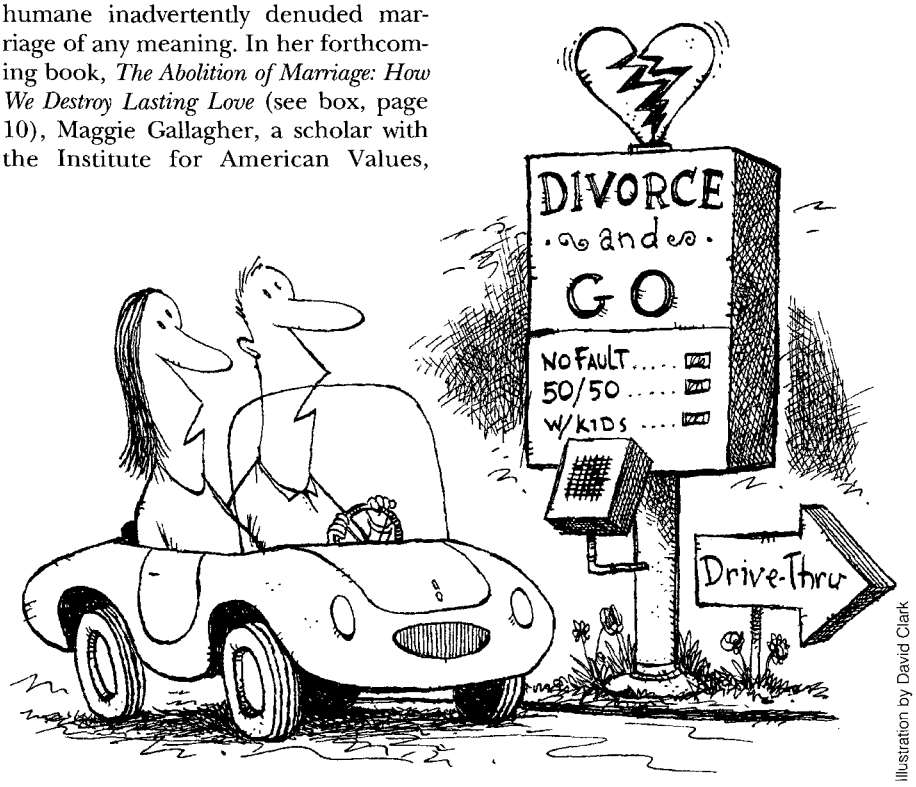

Illustration by David Clark

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course, and may have to shell out thousands of dollars in legal fees for an unwanted divorce. All the power belongs to the initiator.

In addition to its unintended consequences, no-fault divorce hasn't necessarily fulfilled its goal of attenuating the acrimony of divorce proceedings; the conflict has merely shifted from the allocation of blame to conflicts over child custody and division of property. It still gets ugly when families break apart. In divorce, the scarlet letter no longer stands for adultery—it now can refer to malicious accusations of child sexual abuse.

Repairing the Damage

As the moral consequences of America's soaring divorce rate have become clear, even leading Democrats are voicing their support for stricter divorce laws. In her syndicated newspaper column, for instance, First Lady Hillary Clinton recently wrote, "I think getting a divorce should be much harder when children are involved. . . . Divorce has become too easy because of our permissive laws and attitudes." She goes on to say, "The good news is that attitudes about marriage and divorce seem to be changing. Some states are beginning to examine whether their divorce laws are too lax. Grass-roots campaigns to help preserve marriage are flourishing around the country."

William A. Galston, a professor at the University of Maryland and a former domestic policy advisor to President Clinton, offered a more concrete view in a *New York Times* editorial last December: "For couples with dependent children, we should eliminate unilateral no-fault—where one person can readily obtain a divorce without the other's consent—and return to an updated fault-based system, with the alternative of a five-year waiting period. And even in cases where both parties consent, there should be suitable braking mechanisms: a mandatory pause of at least a year for reflection, counseling and mediation."

Although prominent liberals are joining the rhetorical battle, Christian and other conservative family groups and lawmakers are leading the policy debates within state legislatures:

Michigan. State representative Jessie Dalman has put forth a package of marriage and divorce reforms, most notably abolishing unilateral no-fault divorce—whether or not children are involved. Her plan would still allow no-fault if both parties agree to the divorce, but if one party objects, the person filing would need to demonstrate fault—namely adultery, desertion, physical or mental abuse, drug or alcohol addiction, or incarceration for more than three years.

Dalman also wants to encourage premarital counseling for marriage-license applicants, improve enforcement of child support, and require couples with children to receive divorce counseling before filing for divorce and to submit a "parenting plan" to the court. The bill, vigorously supported by Republican governor John Engler, is scheduled for a vote in late April.

The Michigan Family Forum, a nonprofit research group in Lansing, laid the intellectual groundwork for the legislation. It recently published "Breaking up Is Easy To Do," a short but useful guide to the history of divorce reform in Michigan and across the nation. Full of statistics and references to important resources, it's a great tool for educating activists and lawmakers.

The Michigan Family Forum can be reached at 517-374-1171.

Idaho. Representative Tom Dorr has introduced The Justice in Family Law Act, which would require mutual consent in all divorces filed on grounds of irreconcilable differences—most states' version of no-fault divorce—whether or not children are present. Because Idaho does not recognize legal separation, however, critics voiced concern about spouses caught in abusive relationships. Dorr has added a bill that establishes legal separation.

Although both bills are expected to die in committee this session, they will probably become a top conservative caucus issue for the 1997 session.

For information, call Dennis Mansfield, the executive director of the Idaho Family Forum, at 208-376-9009.

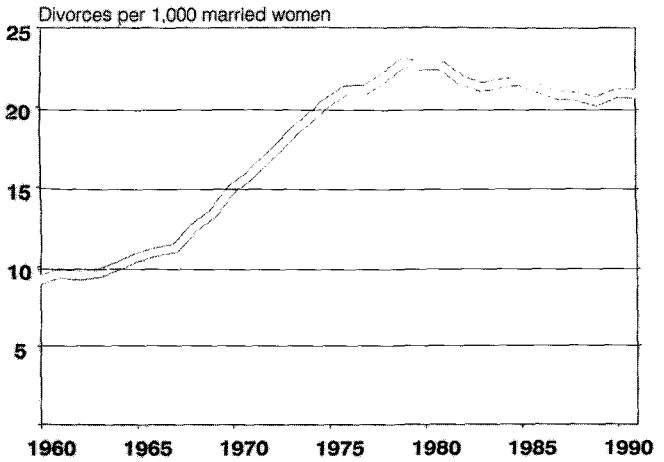
Georgia. Representative Brian Joyce's bill to remove "irretrievable breakdown" as grounds for divorce was killed in committee this March, but he intends to introduce it again next year. (No-fault would still be permissible if both parties agreed and no minor children were involved.) After talking with representatives from the Georgia chapter of the National Organization for Women, Joyce added provisions that would allow a unilateral no-fault divorce for spouses involved in physically abusive marriages.

Brian Joyce can be reached at 404-656-0265.

Iowa. Despite the support of Republican governor Terry Branstad, a

The Era of No-Fault Divorce

As a proportion of married couples, the number of divorces in the U.S. has risen dramatically since the early 1960s—but much of that rise came during the spread of no-fault legislation among the states in the early 1970s.



Source: National Center for Health Statistics

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bill similar to Michigan's was killed in the house in March. Lawmakers vow to reintroduce the legislation next year.

For more information, contact state representatives Charles Hurley and Danny Carroll at 515-281-3221

Colorado. Although no divorce-reform legislation is now in the pipeline, just watch. Tom McMillen is executive director of the Rocky Mountain Family Council, a politically savvy think tank that has helped to devise a three-year plan: in the first year, educate the public on the ill effects of divorce; in the second, work with churches to develop community marriage policies to support existing marriages; in the third, introduce legislation.

Tom McMillen can be reached at 303-456-9285.

Legislatures in several other states, including Illinois, Pennsylvania, Florida, Indiana, and Kansas, are considering reforms of no-fault divorce this year, but these are given little chance of passing. Earlier this year, pro-family legislators in Virginia tried to pass a law to prevent unilateral no-fault divorce when children are present. It was shot down quickly in committee.

Still, the issue is here to stay. Larry Huff of the Family Research Council reports that more bills are expected to be introduced next year in Maine, Washington, and several other states. Meanwhile, a recent poll shows that more than half of all Americans think that divorce should be more difficult; support for reform is especially strong among adults under the age of 30—the generation that suffered widespread divorce as children.

Fallout Shelters

When mothers and fathers decide to divorce, their children get caught in the litigation crossfire. In order to shield these youngest of victims and to reduce the caseload of post-divorce litigation, family-court lawyers and judges across the country are now mandating that couples seeking a divorce first learn how their decision affects their children.

One of the largest and most widely emulated programs can be found in Cobb County, Georgia, where parents must complete a four-hour seminar within 31 days of filing for divorce. Operated by a nonprofit social-service agency called Families First, the seminar teaches parents how to tell their children about their decision and how to ease the disruption and sense of loss that divorce brings to children.

Since 1988, the program, known as "Children Cope with Divorce: Seminar for Divorcing Parents," has taught ex-spouses how to handle visitation and parenting issues and avoid using the children as messengers or weapons. The $30 fee can be waived for those who cannot afford it, but the program is mandatory.

There's a good reason for that: Court administrators and judges have found that when such education programs are voluntary, parents rarely attend. Their daily lives are already collapsing, and they seldom see the need for any outside counseling. Family law officials also have found that the attendance of *both* parents is vital. If only one parent learns about the effects of divorce on the kids, he or she is usually willing to concede more in order to protect the children—a distinct disadvantage in negotiation.

Although parents are often reluctant or openly resentful when they begin, more than 95 percent leave the program feeling it was useful and that it will improve their behavior. And that's not just talk. In Cobb County, the rate of court appearances for post-divorce litigation such as custody and support has dropped to 15 percent of divorcing couples.

Other programs boast similar results. Before Jefferson County, Kentucky, established its Families in Transition program, one in three families found itself back in court within a year fighting over child-related issues. After the mandated program began, the rate dropped to 10 percent. Many jurisdictions without a similar program report a rate of 25 to 35 percent.

The "Children Cope with Divorce" curriculum has been exported to other jurisdictions in Georgia and around the country, and counselors and court officials from all over the United States and Canada are going to Families First's offices to learn the program.

For more information, contact Bev Bradburn-Stern, the director for community education and training at Families First, P.O. Box 7948, Station C, Atlanta, Ga. 30357. Tel.: 404-853-2860.

The Abolition of Marriage

Maggie Gallagher, an affiliate scholar at the Institute for American Values, says in her upcoming book *The Abolition of Marriage* that we have falsely framed the divorce debate as "one between choice and coercion, individual liberty and state control. . . . The bad marriage haunts us in part because we have reduced the marriage commitment to a single, grim, frightening phrase: Couples should 'stay together for the sake of the children.' The vision it conjures—of loveless, bitter, tight-lipped martyrs living in hell with their equally miserable kids—is impossible to uphold as a moral ideal. . . ."

" 'You can't force two people to stay married,' we tell ourselves and turn the page," she writes. "Divorce, however, is not usually the act of a couple, but of an individual. Eighty percent of divorces in this country are unilateral, rather than truly mutual, decisions. Rather, the divorce revolution can be more accurately described as a shift of power, favoring the interests of one party over others: the interests of the spouse who wishes to leave over those of the spouse who is being abandoned and over those of the children whose consent is not sought."

Her research about the state of marriage leads her to conclude, "Reforming no-fault divorce is more than a tactical necessity. Simple decency requires that the law retreat from relentlessly favoring the spouse who leaves in no-fault divorces and place some minimal power back into the hands of the spouse who is being left. Imposing a five- to seven-year waiting period for contested no-fault divorces (as do many European jurisdictions) would serve the ends of both justice and prudence: raising the number of marriages that ultimately succeed, while at the very least ensuring that those who want a quick and easy divorce will have to negotiate with their marriage partner in order to get it."

The Abolition of Marriage: How We Destroy Lasting Love is being published by Regnery Publishing (Washington, D.C.).

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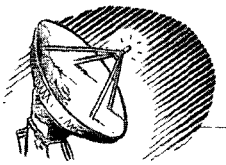

Lessons from Abroad

Mum's the Word in British Day Care

In 1961, a mother in London wrote a letter to the Manchester *Guardian* that resonated with families all over Britain. Belle Tutaev related her predicament as a working mother of limited means who wanted to spend more time with her young daughter and also wanted a safe learning environment for her child while she was at work. She described how she and her friends had set up a "playgroup" in her neighborhood, in which mothers working part-time took turns supervising and providing a structure of educational games for each other's children.

Tutaev's letter inspired an overwhelming response from mothers wanting to know how to set up similar playgroups. So, after borrowing a typewriter and setting up a duplicator in her garage, Tutaev created an educational charity to give practical guidance to British mothers. Today the Pre-school Learning Alliance helps organize 20,000 playgroups for 800,000 British children ages three to five, including more than 40 percent of the country's three- and four-year-olds.

The typical British playgroup has 40 children, with a supervisor (usually paid) and two or three volunteer mothers (or other relatives) at all times. Parents usually serve in rotation for half a day every week. Most children attend playgroups for two or three half-day sessions per week, though a growing number of playgroups offer extended hours for working mothers. The typical playgroup rents space from a neighborhood church or other community institution within walking distance of the childrens' homes.

The active participation of volunteer mothers keeps costs low. Fees per child typically run less than half the cost of nursery schools. But the real benefit of parental involvement is educational. "Our evidence," says Lady Plowden, a former president of the Pre-school Learning Alliance, shows that "it is generally undesirable to separate mother and child for a whole day in the nursery." According to the Alliance's official literature:

"Children learn better when their parents are involved. Seeing their own families validated and powerful gives them a secure base from which to progress, and parents are in a better position to reinforce at home the learning which has occurred in the group . . . becom[ing] confident partners in the world of education rather than mere consumers."

The Netherlands and Ireland also have strong playgroup movements, and the idea is beginning to catch on in America. What is most distinctive about the British movement is the nationwide dissemination of practical information and curricula, so that parents forming a new group do not have to reinvent the wheel.

The Pre-school Learning Alliance puts out a monthly magazine, *Under Five Contact*, for member groups and parents, and has produced three television series on the organization and operation of playgroups. Its catalogue of publications includes session outlines, suggested rules, course materials, and workbooks for such "learning through play" activities as gluing, woodwork, wordplay, finger exercises, math, language, science, and music. Courses on playgroups are offered not only to group leaders but also to parents; 40,000 parents each year take them.

Like many British charities, the playgroup association has the imprimatur of the Crown. Diana, Princess of Wales, is the official patron of the Pre-school Learning Alliance. But the playgroup movement is otherwise a model of voluntary activity independent of the state. Individual playgroups raise their own money, mostly from fees from parents. And though playgroups in London are granted substantial subsidies from that city's government, British playgroups overall have received less than 5 percent of their revenue from taxpayers. All playgroups must register with government authorities, and meet certain regulatory standards under the Official Children Act. However, the standards of the Alliance are even higher than those of the government.

Britain's Parliament is now considering pre-school vouchers for four-year-olds that could be used either at a playgroup or at a nursery school. But since parents would decide which playgroup to attend, the playgroups could still maintain their independence from government control.

The British playgroup movement is an attractive model for American parents looking for an alternative both to institutionalized day care and to nursery school for three- and four-year-olds. One of the most important attractions is the opportunity for parents to be more involved with their children and with friends in the neighborhood. In addition, the British model also offers a wealth of experience and model practices, so that parents can learn from the successes and mistakes of those who have gone before.

Britain's Pre-school Learning Alliance has helped organize 20,000 private playgroups for 800,000 young children with little government help.

The workbooks and curricula of the Pre-school Learning Alliance can be obtained at 45-49 Union Road, Croydon CR0 2XU, England. Fax: 011-441-81-684-0485.

by George W. Liebmann

George W. Liebmann, a Baltimore attorney, is the author of The Little Platoons: Sub-Local Governments in Modern History *(Praeger, 1995).*

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Opus Dei Tutors Kids In Aquinas and Algebra

Chicago kids are lining up for traditional values taught by role models and imbedded in an academic curriculum.

For most of its 30 years, Chicago's Midtown Education Foundation (MEF) has bucked prevailing currents in American culture. When young people in the 1960s began to rage against authority and social norms, Midtown's academic tutoring program emphasized moral decisionmaking. As religious values came under attack as never before, Midtown made faith in God indispensable to its educational message.

Times have changed. Virtues such as discipline, sacrifice, and honesty are coming back in vogue. "This is our moment," says Jim Palos, the executive director. "People are finally realizing the worth of teaching values."

Midtown operates two educational centers for inner-city children from fourth through 12th grade. Through after-school tutoring in academics and workshops in character-building, it aims to save students left behind in a public-school system that sees 42 percent of its high-school students drop out every year. Midtown seeks not only to catch these kids but to propel them toward higher education, productive careers, and responsible adulthood. "We want these kids to be changed, so that in 20 years they'll be faithful, loving spouses and good, reliable employees," Palos says.

Almost all of Midtown's graduates finish high school, and most go on to college. Typical of the center's successes is Ricardo Blasquez, who grew up in a struggling neighborhood in Chicago in the 1960s. Blasquez, who later served as a mentor himself at Midtown, now is the managing director of 10 General Motors plants in Mexico and California. He says MEF staff and volunteers became "like family at a critical time for all of us."

MEF began as an outreach of Members of Opus Dei (Latin for "work of God"), a movement of Catholic laymen determined to integrate their faith with daily work, social activity, and family life. Although all 18 MEF staff members are Catholic, they seek to promote not church doctrine but rather a broad Christian ethic. The foundation's 465 volunteer mentors—one for each child in the program—are Catholic, Jewish, Protestant, even agnostic. But they share a common core of moral principles, based on the Bible and on natural law, which they try to transmit to the children.

"Giving character education to children without talking to them about God is like trying to build a house without a foundation," says Patricia Cronin, who developed a character-education curriculum for the program's mentors. "We want children to make moral commitments, not just to please adults or to conform to social customs that evolve out of convenience or pleasure, but to satisfy their own deep needs for order and relatedness."

Targeting average kids

It is not only the most troubled children—the adolescent pimps, prostitutes, and drug dealers—who need moral education, Midtown officials argue. They do not seek out such children, and regard other organizations as better suited to handle their rehabilitation. Likewise, gifted students from strong families can find specialized programs elsewhere.

"We target average kids," Palos says. "They're capable of returning a great deal to society, but often they're a neglected group. If you can have a consistent, comprehensive, and cogent culture, kids can overcome a bad school or home environment."

The 34-year-old Palos speaks from experience. He grew up in a Chicago neighborhood where drive-by shootings occurred regularly. He did not know that a world beyond such lawlessness existed until he enrolled in Midtown as a fifth-grader. "I didn't have any motivation to get good grades and I didn't want to be seen carrying books home from school," Palos recalls. "But then I met these interesting people at Midtown who were excited about learning." Palos enrolled in a Catholic high school, graduated from Columbia University, and became MEF's executive director four years ago.

Although one purpose of MEF is to intervene before a boy is recruited by a gang or a girl becomes pregnant, the program's keystone is stimulating children to pursue education zealously. In Chicago, the odds against that are especially grim. Last year, the Illinois Goal Assessment Program gave statewide exams to its high schoolers; the Windy City was home to 45 of the 50 lowest-scoring schools. In February, Chicago school officials announced that the city was dropping the standardized Iowa Tests of Basic Skills, an admission that the city's public-school students cannot meet national standards.

Midtown encourages parents to send their children to one of about a dozen area schools, most of them parochial, geared toward college preparation. All MEF entrants are viewed as potential college graduates, even though two-thirds are from very low-income homes. Of those enrolled in the program, 95 percent graduate from high school, and 64 percent go on to college.

Admission to the center, which offers programs year-round, is not automatic. MEF gives all its applicants

by John W. Kennedy

John W. Kennedy is the associate news editor of Christianity Today *magazine.*

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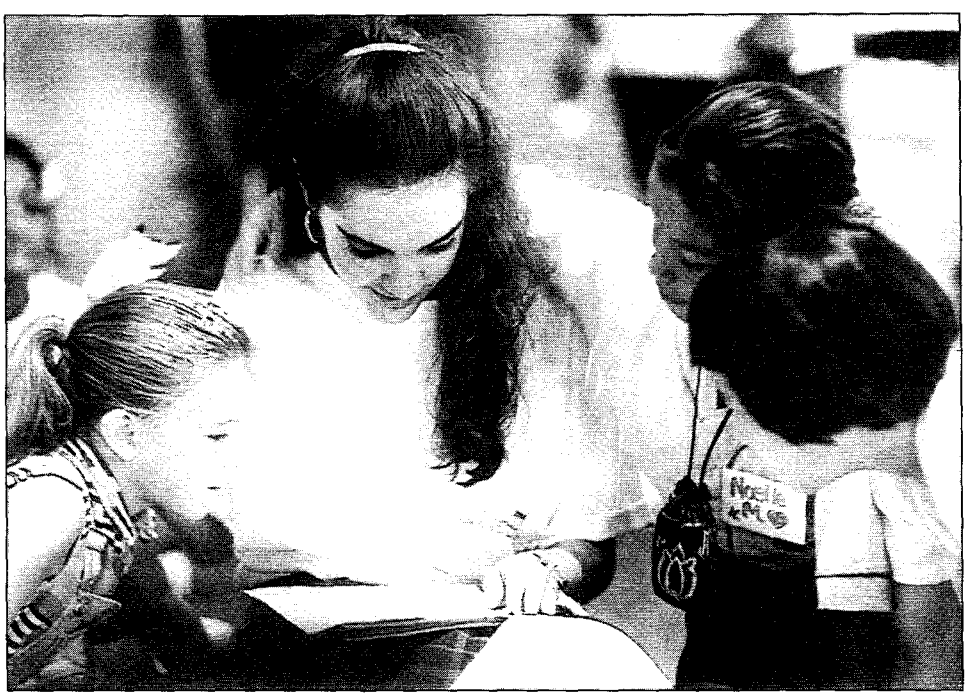
an academic achievement test, and also interviews their parents. "We don't admit a child unless the parent is behind him," Palos says. "We're not here to replace parents." MEF enrolled 1,531 students in 1995, double the number six years ago.

Tuition for most ages is $100, although the actual per-pupil cost to the foundation is 10 times that amount. Ninety percent of MEF's $1.1 million budget comes from foundation grants or corporations such as Walgreens and Amoco, and about 3 percent from government sources. Midtown shuns public money for philosophical reasons—government assistance can undercut religiously motivated programs—but also on practical grounds: Public funding demands much more paperwork than private sources.

The academic regimen is straightforward. Elementary students attend two-hour classes one evening a week. That includes 60 minutes studying with a volunteer tutor, 15 minutes listening to a talk on values, and 45 minutes in recreational activities. An eight-week summer program offers daily activities. Outside the foundation's buildings on Peoria and Wood streets, the neighborhoods are gritty and foreboding. But the facilities inside are clean and brightly painted. Donated desks and chairs are in good shape. Hundreds of classic paperbacks are on classroom shelves. Students take home *Lord of the Rings*, *Swiss Family Robinson*, and *Where the Red Fern Grows* on the honor system.



Midtown tutors combine recreation, academics, and character development.

Mentors and morality

While 90 percent of Midtown's students are African American or Hispanic, 90 percent of the volunteers are white. Most are successful professionals between 25 and 35, often living in the suburbs. All are determined to build bridges to inner-city kids.

At the boys' facility, many mentors arrive wearing suits and ties because they come directly from work. One evening it's Mike Brisson's turn to give the character-development talk on honesty. He speaks off the cuff, using the Socratic method to get students talking and thinking.

"You might tell one little lie like 'I already did my homework,' but your mom notices your books haven't moved since you came home from school," Brisson says. "Then you say, 'I did it at school.' That's another lie." The boys are listening. "Telling the truth isn't always easy, but if we've done something wrong, it's better to accept the punishment," Brisson continues. "It's a bad habit to be sneaky. We owe the truth to ourselves, God, our parents, and teachers."

Brisson, a computer programmer at a bank, mentors 11-year-old Eddie Calderon. Nowadays he's helping Eddie spend less time in front of the television and more time helping out around the house. Brisson phones Eddie weekly to strengthen the bond.

Amber Burnett, a 15-year-old attending Whitney Young High, one of the few decent public schools in the area, has been in the program for four years. Her goal for the week is to use more positive speech. "I have a habit of gossiping about what people wear," she says.

To the mentors at Midtown—in line with Catholic ethical teaching—habits become either virtues or vices. They shape not only characters but ambitions as well.

Amber has decided she wants to become an obstetrician. "She definitely will become a doctor," says her mother, Dorothy Burnett. "Have you seen her grades?" Burnett, a social services clerk at a church, just happens to be carrying a transcript in her pocketbook which shows an "A" in chemistry and a "B" in geometry.

Maricela Patino, a 14-year-old Catholic student, expects to major in engineering at college. Her parents—dad is a butcher, mom is a school lunch server—moved to Chicago 17 years ago from Mexico. According to Patricia Patino, Maricela's mother, MEF has been a godsend. "When I told her to help with the chores she wouldn't," she explains. She surreptitiously talked to the girl's counselor, who made subtle suggestions that took root. "Now, Maricela says, 'Mother, do you need help with something?'"

The Midtown program's basic approach—biblically based character development, taught by role models, and imbedded in an academic curriculum—seems to be working. It clearly is in demand: Annual enrollment at MEF has increased by more than 13 percent every year over the last decade. But the Midtown program is no quick fix for delinquent youth. The best results, officials say, come from students who attend the program year after year. "Character isn't built in a couple of weeks," Palos says. "It takes time to break habits."

For more information, contact MEF, 718 S. Loomis St., Chicago, Ill. 60607. Tel.: 312-738-8300.

Photo courtesy of Midtown Education Foundation

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Blessings of Liberty

AN APPRECIATION OF ECONOMIC FREEDOM

The Market Approach To Job Training

As public schools flounder, private businesses spend billions on worker training.

The 1996 presidential primaries have pushed the plight of American workers to the top of the nation's political agenda. Some commentators argue that unfair foreign competition and callous executives have destroyed the social contract between employers and employees. Others say that inexorable economic and social trends, such as the Information Revolution, are enlarging the prospects for highly skilled workers while displacing those with less education.

All sides seem to agree that America must raise the educational level of its workers. But would-be reformers often forget that the largest educational system in the United States is neither the public schools nor institutions of higher learning. It is the education and training workers receive from their employers or in the private marketplace.

Workers learn new skills, information, and problem-solving strategies virtually every day, in formal courses or on the job. Motivated by competition and the search for greater value, many businesses try to raise productivity through training programs. In the long run, such efforts pay off in larger profits, better products, and higher wages.

Training magazine's annual survey of employee-training programs helps to clarify the issue. In 1995, about 50 million workers received some kind of formal training, up 25 percent since 1990. Employers spent more than $50 billion on formal training in 1995. Based on a ratio of formal to informal training documented in other studies, one can estimate that firms spent approximately $300 billion in informal training that same year, including the cost of supervision and lost-production time.

Nearly 90 percent of companies with more than 100 employees provided courses in management skills or basic computer skills. Many also taught skills in communication, supervising, and clerical work. While 70 percent of employers provided training for middle managers and executives, only about 40 percent did so for salespeople and production workers. Such workers are more likely, however, to receive informal, on-the-job training not included in these statistics.

Why do companies train their employees? Workers who become more skilled in their jobs are more productive. Also, studies show that training can raise employee loyalty and reduce turnover, in part because workers often find their skills to be more valuable at the firm where they were acquired.

One way to gauge the value of workplace training is to see how many workers needed some to qualify for the jobs they currently hold. A 1991 survey by U.S. Bureau of Labor Statistics (BLS) found that 57 percent of workers said they needed training to qualify for their current jobs. About half of those workers learned such skills on the job. Another 21 percent received their training from formal company programs. Much smaller percentages said they obtained necessary skills from high school or post-secondary educational programs. Similarly, when BLS asked workers where they had received any training to improve skills, formal and informal company programs again accounted for about three-quarters.

One interesting finding of the study was that many workers with college degrees earn less than workers without college degrees who nevertheless have obtained specific training for their jobs. BLS economist Alan Eck wrote that company-provided training programs, particularly formal ones, "have more of an impact on increasing those workers' earnings than does any other source of training."

Corporate training programs run the gamut from high-tech training centers to on-the-job instruction in word processing or operating machinery. Motorola, which makes cellular phones and paging gear, is often cited as a model for its variety of training programs. The company gives all employees at least 40 hours of training a year. Much of this training occurs at Motorola University, its $120-million, 14-branch teaching center.

In 1985, Motorola discovered that its employees lacked even the basic skills the fast-growing manufacturer needed. About 60 percent of its work force had trouble with seventh-grade math, necessary to track error rates, compute percentages, and solve other problems. Bob Galvin, then the chairman of the company, decided to devote at least 1.5 percent of payroll to training. (This has since risen to 4 percent.) All employees must have at least seventh-grade proficiency in math, and Motorola has even begun training its suppliers in statistical process control to reduce errors.

Motorola's experience is not unusual. Forty-three percent of firms surveyed by *Training* magazine offered remedial education, defined in its broadest sense, including a host of academic skills. Limiting the definition just to reading, writing, arithmetic, and English as a second language, the magazine found that 22 percent of employers provided these services. That's an

by John Hood

John Hood, a 1994-95 Bradley Fellow at The Heritage Foundation, is the president of the John Locke Foundation, in Raleigh, North Carolina. His book, The Heroic Enterprise: Business and the Common Good, *will be published in June by the Free Press.*

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astounding number—and 67 percent of those receiving remedial education are actually graduates of American high schools.

Corporate training is an enormous enterprise that employs thousands of Americans. One company with a substantial investment in it is Manpower Inc., the largest temp agency in the United States. About one million people each year get job assignments from Manpower, and many of those workers go through a company-run program that provides training in technical and computer skills, communication, customer service, and quality control. Manpower also sells its training expertise directly to employers; almost 90 percent of *Fortune* 500 companies have called on Manpower to help train their employees. As of 1995, 500,000 workers in thousands of companies had benefited from Skillware, the company's computer-assisted training program.

Some companies pay the tuition for their employees to attend community colleges or night school. Other firms contract out their training needs to private trainers. Companies such as Berlitz International have long provided corporate training in such areas as foreign languages, money management, business communication, and computer software. I recently visited a new training company in Greensboro, North Carolina, that uses interactive computer systems to train local employees faster and cheaper than nearby colleges can.

Avco Financial Services, in Irvine, California, asked a local nonprofit literacy organization to help start an English-as-a-second-language program for its employees. The literacy council has trained dozens of Avco employees to serve as tutors for their English-language-deficient coworkers, many of whom are recent immigrants. While improving the language skills of many employees, the program has cost the company little. Both tutors and students work on language instruction on their own time. William Dudek, the president of a manufacturing firm in Chicago, created a similar English-instruction program as well as basic math classes for his employees. "We're not saints here," he says. "We're in business to make money. We just thought this was the best way to do it."

Corporate job training is not confined to higher-skill, higher-wage occupations. Carolinas Associated General Contractors, a trade association, offers classes in construction fundamentals, math, electrical work, plumbing, carpentry, sheet metal, and mechanical skills to prospective construction workers, because its members desperately need skilled individuals.

On a much larger scale, McDonald's U.S.A. trains thousands of young people each year in its nearly 9,000 U.S. restaurants. "Sending a kid to the Army used to be the standard way to teach kids values, discipline, respect for authority, to be a member of a team, get to work on time, brush your teeth, comb your hair, clean your fingernails," says Edward H. Rensi, the firm's president and CEO. "Now, somehow, McDonald's has become the new entry-level job-training institution in America. We find ourselves doing things in that role that we would never have imagined we would do."

Of course, companies must subject training expenses to a rigorous cost-benefit test. The 1995 *Training* magazine survey found that business managers scrutinize training expenses to evaluate their impact on productivity. Almost two-thirds of the employers surveyed said they evaluate trainees' behavior after they return to the job, including testing workers to find out what they've learned, while about half of employers look for quantifiable changes in business results, such as sales, labor costs, or error rates.

Despite this enormous investment in training, many workers have few or no marketable skills. The problem is one of wasted resources. Public schools spend a tremendous amount of tax money but often fail to prepare young people academically to benefit from training later on. Government-sponsored job-training programs have consistently posted mediocre returns on the billions of dollars in tax money they spent.

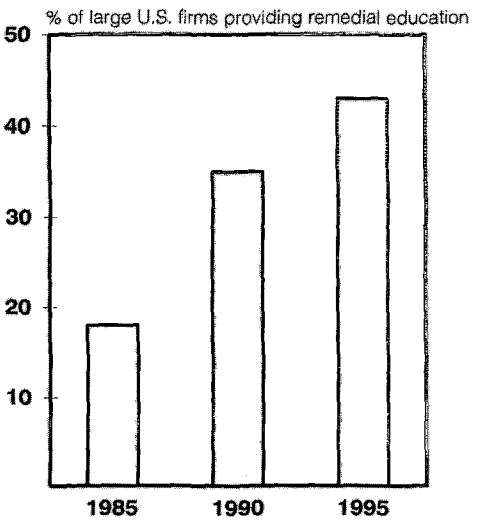
Furthermore, federal and state subsidies encourage students to pursue post-secondary training in an inefficient manner. Federally guaranteed student loans and generous state subsidies entice students to enroll in colleges, but a surprisingly low percentage graduate. The time students waste in irrelevant (and often outdated) community-college and university classes might be better spent finding an employer that teaches useful skills.

The Clinton administration and some Republican lawmakers have proposed that federal job-training programs be converted into vouchers for worker retraining. We need to go much further. Washington and the states should direct all subsidies and financial aid for post-secondary education and training directly to students and away from any particular institution. Business and payroll taxes should also be reduced to allow firms and workers to spend more of their own money on education and training. And workers should be allowed to accumulate funds (including unspent subsidies) in tax-free Educational Savings Accounts to pay for career changes and retraining in the future.

This approach would empower workers to make their own decisions about their needs and would make better use of this country's largest and most effective educational system: private business.

The Costs of Poor Education

In annual surveys, *Training* magazine has found that firms with 100 or more workers say they must train employees in basic skills they didn't learn at school.



Source: *Training* magazine

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Laboratories of Democracy

State Think Tanks Take Aim

Ambush in the Ozarks

Little Rock, Arkansas—Higher taxes may be popular in Bill Clinton's White House, but back where Clinton comes from, they're about as welcome as subpoenas at the Rose Law Firm.

By a whopping tally of 87 percent, Arkansas voters last January rejected Governor Jim Guy Tucker's plan for a huge increase in state spending for highways. Tucker sought approval to issue $3.5 billion in bonds, to be repaid by hikes in the state's general sales tax and diesel-fuel tax, and by a new excise tax on wholesale gasoline. Thanks to voters, Arkansas motorists avoided having to pay the highest diesel-fuel and gasoline taxes in the South.

Tucker had barnstormed the state, attempting to convince voters that the additional state debt and higher taxes would yield better roads and a stronger economy. Opponents argued that the excessive growth of state spending over the years had crowded out funding for the roads, and therefore Little Rock should tighten its belt and finance highways by cutting general spending.

Proving that good research and persuasive ideas can move public opinion, the Arkansas Policy Foundation (APF) joined the fray and played a key role in the Tucker proposal's lopsided defeat. Together with Arkansans Against Unreasonable Tax Hikes, a grass-roots organization, APF offered a convincing case that:

- The plan would cost the average Arkansas family $500 in additional taxes;
- Tucker's rosy forecast of economic growth from new state spending was careless guesswork at best, political snake oil at worst;
- With an annual budget one-seventh the size of the bond program itself, the bureaucracy at the state highway department was ill-equipped to administer so many massive new road projects at one time.

Voters were swayed by the argument that state government was too fat for its own good. The foundation showed that, from 1962 to 1993, total state government spending in Arkansas soared by 327 percent after inflation. The number of state employees grew by 189 percent during the same period. Government in Arkansas, APF declared, had become "the state's number-one employer, as well as its largest growth industry."

The Arkansas Policy Foundation helped turn voters against a massive tax-and-spend plan for road construction.

Speculation is that the 13 percent who voted for the tax hikes were all state employees.

The Arkansas Policy Foundation can be reached at 8201 Cantrell Rd., Ste. 325, Little Rock, Ark. 72227. Tel: 501-227-4815, fax: 501-227-8970

Revising Michigan's History

Midland, Michigan—If those who forget history are condemned to repeat it, then those who rewrite history are surely condemned to eat their own words.

Revisionist history is under fire in Michigan in a new study from the Mackinac Center for Public Policy. In "Are Michigan History Textbooks Reliable?" senior fellow Burton W. Folsom documents the biases and distortions that are shaping the way youngsters think about the development of their state and the role of government.

Courses on state history are typically taught at the fourth- and eighth-grade levels in Michigan schools. Almost every student reads one or two of only four texts on the subject. Folsom's review turned up several common and disturbing themes: Greedy private enterprise creates problems while always-helpful government solves them, labor unions are the worker's best friend and never harm the worker's interests, taxes enable worthy projects to be funded and produce few harmful consequences. Is it any wonder that American business spends $40 billion in remedial education programs?

Almost immediately after achieving statehood in 1837, Michigan's fledgling government embraced socialized railroads, canals, and other "internal improvements." The experience proved so disastrous that the state constitution was rewritten in 1850. Its replacement expressly barred the state from starting or owning any portion of any commercial enterprise, and even banned the state from having anything to do with further internal improvements. A liberated economy led to an explosion of entrepreneurship, producing world-class industries in autos, furniture, and breakfast cereal. That lesson is omitted entirely from all four books.

The worst of the four texts, Folsom found, is larded with politically correct multicultural themes. In *Michigan: The World Around Us,* the "struggles" of minorities and women are set against the backdrop of white males who seem rarely to do anything that isn't mean-spirited and selfish. In one instance, author JoEllen Vinyard rewrites the

by Lawrence W. Reed

Lawrence W. Reed, an economist and author, is the president of the Mackinac Center for Public Policy, in Midland, Michigan.

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story of a famous 1763 massacre of British settlers at Fort Michilimackinac, informing her student readers: "The Native Americans fought bravely to defend the land and the freedom that the British were taking away from them." Every single sentence about events in Michigan since 1960 deals with civil-rights turmoil. One wonders how anybody in Detroit ever found time to make cars.

The study prompted extensive press coverage throughout Michigan and a cascade of orders from concerned parents and school-board members. One textbook author pledged to make corrections in his next edition. Parents in other states might want to ask, "What are our kids learning under the guise of history?"

The Mackinac Center for Public Policy can be reached at P.O. Box 568, Midland, Mich. 48640. Tel.: 517-631-0900, fax: 517-631-0964.

Cease-Fire in the Midwest?

Dayton, Ohio—An alliance of five state-based think tanks in the Midwest is working to bring an end to the War Between the States, a war fought not with bullets but with subsidies and gimmicks designed to lure businesses from one state to another.

Assembled by the Buckeye Institute for Public Policy Solutions, in Dayton, Ohio, the Mackinac Center for Public Policy, in Midland, Michigan, and other think tanks in Indiana, Illinois, and Nebraska, a group of more than a hundred distinguished economists and policy analysts recently signed a joint resolution calling for an end to state-run "industrial policy." The experts want states to compete with each other, but by reducing overall tax and regulatory burdens instead of by granting special favors to selected firms.

"Government cannot pick winners and losers in the marketplace effectively," says economist Sam Staley, a vice president of the Buckeye Institute. "The best economic-development policy is one that cultivates a 'fair field with no favors,' in which states attempt to attract businesses by improving the general climate for enterprise and making government itself lean, unobtrusive, and inexpensive." Adds Bill Styring of the Indiana Policy Review Foundation, "States must recognize that each can foster superior and sustainable growth if they spend less energy on a few trees and care instead for the forest as a whole."

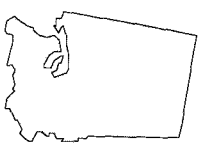
The resolution urges state governments to "terminate targeted business assistance such as direct grants, selective tax incentives, and abatement programs and adopt comprehensive strategies of tax relief for all firms and citizens, deregulation, and competitive systems of education." Ohio state senator Chuck Horn, the chairman of the Economic Development Committee in the senate, is taking the advice of these distinguished economists one step further: He is planning a regional conference of legislators to address the problems created by state-sponsored "industrial policy."

The resolution is the latest volley of criticism launched against the economic war between the states. Studies show that harmful subsidies and discriminatory tax policies are proliferating, and governors like Michigan's John Engler are urging a cease-fire.

Contact the Buckeye Institute for Public Policy Solutions at 131 N. Ludlow St., Ste. 317, Dayton, Ohio 45402. Tel.: 513-224-8352, fax: 513-224-8457.

Northwest Reform

Olympia, Washington—All over America, limited-government advocates are way ahead of the Big-Government crowd when it comes to "the vision thing." They are churning out blueprints while the other side—often demoralized and devoid of ideas—campaigns to preserve a failed status quo.



This hopeful trend is evident in Washington state, where voters in 1994 dethroned the Speaker of the U.S. House of Representatives and elected Republicans in seven of the state's nine congressional districts. In the state legislative elections, voters handed control of the state's house of representatives to the GOP.

Taking advantage of the friendlier climate for conservative ideas, the Evergreen Freedom Foundation (EFF) has released "Reducing the Size and Cost of Government," a 115-page report that calls for sweeping change. Authors Bob Williams and Lynn Harsh outline broad principles for guiding virtually every aspect of government in the state of Washington, from tax policy to welfare reform. If public policy were to be consistently developed within the legal constraints and purposes of both the state and federal constitutions, they argue, the result would be a radical reduction in government itself.

The Evergreen Freedom Foundation has a plan for bringing the privatization revolution to Washington state, where only government workers can mow public lawns.

Mike Lowry, Washington's Democratic governor, proudly calls himself a "liberal," but he lauds EFF as "an important source of ideas about how to make state government operate as efficiently and effectively as possible." The document addresses various proposals for "reinventing government," advances the principles for reform, and explains how to develop new accountability mechanisms for government.

EFF calls on Washington to join the privatization revolution. In Washington, it's illegal for private contractors to wash windows in state office buildings even if that's the cheapest and best way to get the job done. Only state employees are allowed to mow lawns at public sites. No private firm can manage the state's mail rooms, maintain its computers, or assist in procuring supplies.

The reason? Public-employee unions have secured ironclad provisions in state law that keep such work in the hands of overpaid, underperforming, unionized bureaucrats. For legislators and concerned citizens everywhere, the paramount question of the day is, "What should government do and what should it leave alone?" The answers are found in this latest volume from the Evergreen Freedom Foundation.

The Evergreen Freedom Foundation can be reached at P.O. Box 552, Olympia, Wash. 98507. Tel.: 360-956-3482, fax: 360-352-1874.

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Why Parents Hate TV

By Sen. Joseph Lieberman

Photo by Photofest

Over the past few months, the V-chip has quickly become the most celebrated piece of computer circuitry in America. In swift succession, President Clinton championed this little byte of technology in his State of the Union address, Congress passed legislation mandating its use, and the major networks grumbled loudly about challenging the law in court. The drama finally culminated in February at a summit at the White House, where the TV industry's chieftains grudgingly accepted the president's challenge to do more for America's parents and create a ratings system compatible with the V-chip.

The story of the V-chip unfolded so fast, and its potential impact is so great, that the media has spent most of its time struggling to answer a host of basic questions: How does this signal-blocking technology work? When will it be available? How much will it cost? Will it live up to its billing? Some are still not even sure what the "V" actually stands for. (It originally stood for "violence," but it seems everyone has their own interpretation. I hope it comes to mean "values.")

As a Senate cosponsor of the V-chip bill along with Democrat Kent Conrad, I know these details matter, but I also believe the media's focus on them has obscured a larger point. Far more important than what the "V" stands for is what the coming of the V-chip tells us about the public's plummeting regard for the product that television delivers to our homes. Although this invention may merely be an irritant to those in the television business, to millions of Americans the V-chip is a surrogate for their anger at the entertainment industry for degrading our culture and our society.

That anger is clearly reflected in any number of public opinion polls, which uniformly show that the public is fed up with the rising tide of

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Americans are angry because they feel they cannot sit down to watch TV with their children without fearing they will be embarrassed or demeaned.

sex, violence, and vulgarity in the entertainment media. These surveys are useful, but based on my conversations with people in diners, schools, and small businesses back in Connecticut, I believe they barely begin to measure the public's intense feelings toward television.

My experience tells me that beneath the surface of the Telecommunications Revolution bubbles a revolution of another kind—a "Revolt of the Revolted," as William Bennett and I have taken to calling it. It is being fueled by a growing sense that our culture is not only out of touch with the values of mainstream America, but out of control as well. Many people believe that there are no standards that television will not violate, no lines television will not cross. Broadcasters may see the V-chip as a threat to their independence and financial well-being, but many average citizens see television as a threat to their children and their country. In the V-chip, they perceive a modicum of protection for their families.

Why are people afraid of television? Much of the news media has focused on the violence, but that is only part of the problem. Millions of Americans are fed up with explicit sex scenes and crude language during prime time and with the pornographic content of those abysmal talk shows and soap operas during the day. They feel television is not only offensive, but on the offensive, assaulting the values they and most of their neighbors share.

People are angry because they cannot sit down to watch TV with their children without fearing they will be embarrassed or demeaned. And they are angry because they feel our culture has been hijacked and replaced with something alien to their lives, something that openly rejects rather than reflects the values they try to instill in their families. In the world they see on TV, sex is a recreational pastime, indecency is a cause for laughter, and humans are killed as casually and senselessly as bugs. It is a coarse caricature of the America they love.

David Levy, the executive producer of the Caucus for Producers, Writers, and Directors, aptly describes this situation as "television without representation." Some critics tell me that, in the zealous pursuit of the prized demographic cohort of young adults, the industry has shut out the rest of the public, and let the tastes of a few dictate the menu for all.

Average viewers may not be aware of market dynamics at work, but they certainly understand the consequences. They have a growing sense that the anything-goes mentality permeating our

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electronic culture contributes to the moral crisis facing America. I believe this notion—that the contemporary entertainment culture is affecting our values in a deeply troubling way—is at the core of the brewing cultural rebellion.

This is a very anxious time in our history. The bonds of trust that people once took for granted in their neighborhoods and schools and workplaces are withering, and the social order that once anchored their lives and their communities is breaking apart. Stability is giving way to an increasingly chaotic and threatening world in which a snowball fight can quickly escalate into fatal shotgun blasts, as happened recently on a major thoroughfare in the city of Hartford.

People feel television is not only offensive, but on the offensive, assaulting the values they and most of their neighbors share.

The source of this social breakdown, many people believe, is the collapse of fundamental values. A critical connection exists between the erosion of morals and the explosion of social pathologies around us—brutal violence committed more and more often by strangers, the disintegration of the family, the epidemic of illegitimacy. In much the same way, many of us see a critical link between this erosion of values and the plummeting standards of decency on television and in our culture.

Some in the entertainment industry continue to argue that they are merely holding up a mirror to our culture, and scoff at the notion that the entertainment culture is responsible for all our social ills. The time has come to take a torch to this straw man. Neither President Clinton nor William Bennett nor I nor anyone I know is suggesting that any individual entertainment product, or even the whole of the entertainment industry, has single-handedly caused the rise in juvenile violence or illegitimacy. We are saying that the entertainment culture is immensely powerful, more powerful than any lawmaker in Washington, and that this power is wielded in ways that make our country's problems worse, not better.

Consider a few facts. There are 95 million households in America with televisions, which means more households own TV sets than tele-

Talkin' Trash

Democratic Senators Joseph Lieberman of Connecticut and Sam Nunn of Georgia have joined Heritage Foundation fellow William J. Bennett in urging producers, broadcasters, and advertisers to scale back their support of talk-show sleaze. *Policy Review* offers these descriptions of actual topics discussed on daytime television talk shows.

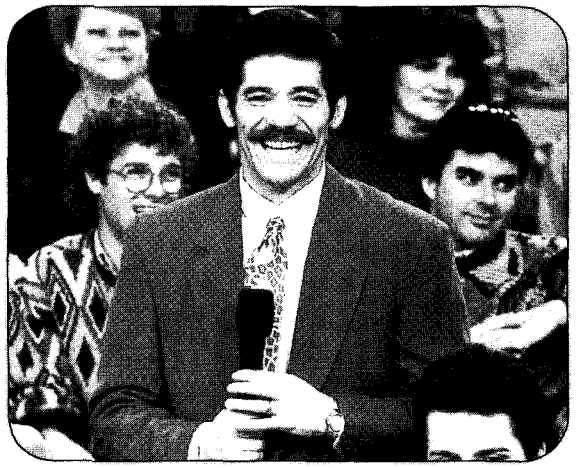

Photo by Photofest

***Jenny Jones* (Warner Bros. Television).** Guests have included: a woman who said she got pregnant while making a pornographic movie; a husband who had been seeing a prostitute for two years and whose wife confronted him on the show. *Selected show titles:* "A Mother Who Ran off with Her Daughter's Fiancé," "Women Discuss Their Sex Lives with Their Mothers."

***Sally Jessy Raphael* (Multimedia Entertainment).** Guests have included: a 13-year-old girl who was urged to share her sexual experiences, beginning at age 10; a person who claimed to have slept with over 200 sexual partners; a man who appeared on stage with roses for the daughter he had sexually molested, and revealed that he had been molested when he was five. *Selected show titles:* "Sex Caught on Tape," "My Daughter is Living as a Boy," "Wives of Rapists," "I'm Marrying a 14-year-old Boy."

***Jerry Springer* (Multimedia Entertainment).** Guests have included: a man who admitted to sleeping with his girlfriend's mother; a 16-year-old girl (wearing sunglasses to disguise her identity) who said she buried her newborn baby alive in her backyard; a 17-year-old who had married her 71-year-old foster father (with whom she first had sex when she was 14) and had borne four children by him; a husband who revealed to his

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phones. Sixty-five percent of those homes have at least two TVs, which on average are turned on seven hours a day. The typical child watches 25 hours of television every week. That is more time than most of them spend attending religious services, talking to their parents, reading books, or even listening to their teachers. Many kids spend more time watching television than any other activity except sleeping.

No one can seriously deny the potential influence that kind of constant exposure carries with it. And because of that power, those responsible for television programming do not just mirror, but also mold, attitudes and behaviors. Whether they want the responsibility or not, they are influencing our values. And whenever they air degrading programs, they contribute to—not cause, but contribute to—the moral and social breakdown we are suffering.

So many studies have documented the threat posed by steady exposure to violence on television that the point should not even be subject to debate. But to add yet another voice to the mix, consider this passage from a stunning article Adam Walinsky wrote last year in the *Atlantic Monthly*, in which he warned of a coming generation of "superfelons" who when they mature will likely make the cities of today look peaceful:

"These young people have been raised in the glare of ceaseless media violence and incitement to every depravity of act and spirit. Movies may feature scores of killings in two hours time, vying to show methods ever more horrific. . . . Major corporations make and sell records exhorting their listeners to brutalize Koreans, rob store owners, rape women, kill police. . . . These lessons are being taught to millions of children as I write and you read."

The media's messages are not transforming these young people into killers, Walinsky says, but they are feeding into a cycle of violence that is getting harder and harder to break and that has dire repercussions for our country. Much the same could be said about the effect of sexual messages sent to our children. No single show is corrupting America's youth, or creating the epidemic of teen pregnancy or sexually transmitted diseases. But television as a whole says over and over to our children that sex is as devoid of consequences as a game of charades, and they are missing out on something great if they don't have sex right away. It is hardly surprising, then, that a recent poll of kids aged 10 to 16 found that nearly two-thirds believe TV encourages them to

wife on the show that he was having an affair, after which the mistress emerged, kissed the husband, and told the wife that she loved them both.

***Montel Williams* (Paramount).** Guests have included: a pregnant woman who boasted of having eight sexual partners during her first two trimesters; a 17-year-old girl who boasted of having slept with more than a hundred men; a man claiming to be an HIV-positive serial rapist of prostitutes. *Selected show titles:* "Married Men Who Have Relationships with the Next-Door Neighbor," "Promiscuous Teenage Girls."

***Maury Povich* (Paramount).** Guests have included: a young mother who had no qualms about leaving her sons in the care of her father, a convicted child molester, because the father had only molested girls.

***Geraldo* (Tribune Entertainment).** Guests have included: a gold-chained pimp who threatened to "leave my [expletive] ring print" on the forehead of an audience member, while scantily clad prostitutes sat next to him. *Selected show titles:* "Men who Sell Themselves to Women for a Living," "Mothers Try To Save Their Daughters from Teen-age Prostitution," "Women Who Marry Their Rapist."

***Richard Bey* (All American Television).** Guests have included: a woman who said her 16-year-old sister had slept with 15 men; two sisters who hate each other and who mudwrestled while the show played pig noises; a man who wanted to have sex with his girlfriend's sister before he and his girlfriend got married. *Selected show title:* "Housewives vs. Strippers."

***Ricki Lake* (Columbia Tri-star Television).** Guests have included: a woman who boasted she once pulled a gun on her boyfriend's wife; a man who explained to his surprised roommate that he had revealed the roommate's homosexuality to the roommate's mother. *Selected show titles:* "Women Confront Exes Who Cheated and Then Warn New Girlfriends," "Now That I've Slept with Him, He Treats Me Like Dirt!"

***Rolanda* (King World).** Guests have included: a woman who revealed her love for her female roommate, whose response was, "Now I know why she comes in the bathroom every time I take a shower"; a woman serving as maid of honor to her best friend who alleged that she had slept with the groom a week before the wedding. *Selected show titles:* "I Use Sex to Get What I Want," "Get Bigger Breasts or Else."

Sources: Compiled by Empower America from *Electronic Media, Portland Oregonian, American Prospect,* Media Research Center, *Talk Soup,* and *Tuning In Trouble: Talk TV's Destructive Impact on Mental Health,* by Jeanne Albronda Heaton and Nona Leigh Wilson (Jossey-Bass Publishers).

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become sexually active too soon.

If you still doubt the influence that television wields, just listen to America's parents. I cannot tell you how many times I've heard mothers and fathers say that they feel locked in a struggle with the powerful forces of the electronic culture to shape their children's values—and that they're losing. They feel that television and the culture undermine their fundamental duty as a parent—teaching right and wrong, instilling a sense of discipline—and that their kids' lives are increasingly controlled by careless strangers a world away.

This is why the concept of the V-chip is so appealing to parents. It offers them a silicon hard hat to protect their kids from television's falling standards. The implications of the V-chip's popularity are remarkable. The public feels so strongly that their children need to be shielded from words and images in the entertainment media that they are turning to the government for help—not censorship, but help. Considering the low esteem with which Americans today regard Washington, this should tell us something about the public's faith and trust in the TV industry.

The public's fear and anger is understandable when you consider the industry's thoughtless response to its concerns. For instance, after hearing a growing chorus of complaints last year about the quality of prime-time programming, capped by last summer's debate in Congress over the V-chip, the major networks reacted by unleashing what critics widely assailed as the crudest, rudest new fall season in history. All too typical were scenes like the one from *Bless This House* on CBS, broadcast during the old Family Hour, when a female character said she was so sex-starved that she wanted to "do it on the coffee table." To that another character responded, "Don't you ever get your period?"

This rash of vulgarity is only the latest step down in an ongoing trend. A study done by a research team at Southern Illinois University recently found that the frequency of indecent and profane language during prime time had increased 45 percent from 1990 to 1994.

But the most disturbing thing about this fall's "slow slide into the gutter," as the *Hartford Courant*'s TV critic called it, was that much of it was happening in the 8 P.M. time slot when millions of children are watching. As the Media Research Center documented in a recent report, this crossover marked the death knell of the traditional Family Hour. Among other things, this study found that in 117 hours of programming reviewed over a recent four-week period, 72 curse words were used, including 29 uses of the word "ass," 13 uses of "bitch" and 10 uses of "bastard."

If these developments are not enough to drive parents to embrace the V-chip, then consider how several network executives responded recently to criticism of the decline in prime-time standards. One top official's justification was that "sexual innuendoes are part of life." Another said, "Society has become crasser, and we move with that." And yet another said, "It is not the role of network TV to program for the children of America."

Last year, the networks responded to a growing chorus of complaints by unleashing the crudest, rudest new fall season in history.

After hearing these comments, I can't help but ask how these industry leaders would feel if I came into their home and used some of this kind of foul language in front of their children. I doubt they would stand for it. But why then do they feel it is perfectly acceptable and appropriate to use that kind of language in my home, in front of my child? That is essentially what is happening when they decide to send these shows into my living room—they are speaking to me and my family, which includes my eight-year-old daughter.

The same question could be asked of the major syndicators who produce and distribute the daytime "trash TV" talk shows. I recently joined William Bennett and Sam Nunn in a public campaign to focus attention on these degrading, offensive, and exploitative programs. The point we are trying to make is there are some things that are so morally repugnant that they should not be broadcast for mass consumption, least of all by the eight million children who watch these shows regularly. The examples we cite, such as the teenage girl who slept with more than a hundred men, or women who marry their rapists, were unequivocally beyond the pale.

Yet, although we have received comprehensive public support for our efforts, not one of the major communications companies that own the shows we raised concerns about—such as Gannett, Tribune, Sony, Time Warner, Viacom—would publicly acknowledge that their products were problematic in any way. Nor, to our disappointment, has the leadership of the broadcasting industry stepped forward to talk about this genre's excesses.

Those same corporate leaders tried to kill the V-chip in its legislative crib, and for a long time they seemed prepared to pursue a court challenge at all costs. But to their credit, the networks

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and the National Association of Broadcasters dropped their opposition following the president's appeal in his State of the Union address and agreed (albeit reluctantly) to create a comprehensive, self-enforced rating system. Regardless of how it came to pass, this was a historic breakthrough. The tools offered by the V-chip and a ratings system will go a long way toward empowering parents to keep overly violent and offensive programs out of their homes and out of reach of their children.

But the industry must realize that these tools will not eliminate the fundamental problem that is fueling the deep-seated anger felt by so many Americans: the deterioration of the industry's programming standards. The V-chip is no panacea; the harmful messages abounding on television are still going to reach many young kids. Moreover, the V-chip is no substitute for network responsibility, for recognizing that the programming they send into our homes carries with it enormous influence. Simply put, the American public wants more from television than just good warnings on bad programming.

There is some reason for hope. A growing chorus of voices within the industry is calling for fundamental changes in the way television does business. For instance, in a recent high-profile speech, Richard Frank, the president of the Academy of Television Arts and Sciences, recently said, "Why do you think people such as C. Delores Tucker, William Bennett, Tipper Gore, Reed Hundt and many others are attacking music and the media? Because *the reality is frightening*" (emphasis added). Frank went on to urge the industry to use the enormous power at its disposal to take some risks and set higher standards. "We cannot and will not ignore the important issues facing television," he said. "We must deal with them responsibly."

Not every aberrant behavior has the right to be featured on TV on a daily basis, especially at times when children are watching.

One of the most important steps the industry can take now to address the concerns we have raised, and to begin to restore public confidence in its programming, would be to adopt once again a voluntary code of conduct. I know that some in the creative community will charge that such a code is an attempt to chill their free speech, but the truth is that self-regulation is common sense, not censorship.

The time has come to recognize that not every aberrant behavior or hostile voice has the right to be featured on television on a daily basis, especially at times when large numbers of children are watching. That means asking the industry to draw some lines which programmers cannot and will not cross, something Court TV has already done by adopting a code of ethics for its own programming.

I hope that the industry will include in any voluntary code they develop a commitment to bring back the Family Hour and to recreate a safe haven for children during prime time. The major broadcast networks would not only be helping parents by taking this step, they would also be helping themselves. There clearly is a market for high-quality, family-friendly material, as evidenced by the fact that Nickelodeon was the top-rated cable network in the nation last year. This channel has viewers that ABC, NBC, CBS, and Fox could win back.

Lastly, we must not just focus on what is bad about television, we must also talk about what could be good and even great about television. One of the most revealing studies I've come across recently showed that at-risk children who watch *Sesame Street* score significantly higher on math and verbal tests than peers who do not. Just imagine what we could do for the nation's children if there were 20 variations of *Sesame Street* to choose from after school instead of 20 *Jerry Springer*s. While that is not likely to happen any time soon, it's a safe bet that the president and many others will continue to push the industry to increase the amount of quality educational programming for kids.

These are just a few suggestions. The devil here is not in the details but in the big picture—or rather, in all the troubling pictures and words the TV industry is pumping into our homes, and in the damage that the sum of those messages inflicts upon our society. The people who run television have a choice before them: Respond to this Revolt of the Revolted, or face the Sentinels of Censorship. The last thing I want is the government setting standards, but I fear the public will soon turn again to Congress to take stronger actions if the TV industry continues on its path downward.

We must avoid that outcome at all costs. To do so, the TV industry must see the V-chip for the powerful symbol of discontent it is, and treat it as a beginning and not an end. More and more these days television is becoming a pariah in America's living rooms, and no slice of silicon can block out that reality.

***Joseph Lieberman**, a Democratic U.S. senator from Connecticut, is the chairman of the Democratic Leadership Council.*

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Spirit of '96

By Grover Norquist

GOP governors march ahead of Washington in the next stage of the Republican revolution.

Since the Republican victories of November 8, 1994, the press has focused on the dramatic changes in Congress. With a net gain of 52 seats in the U.S. House of Representatives and eight seats in the U.S. Senate, the Republicans took control of both houses of Congress for the first time in 40 years. Party-switching and special elections have since left the partisan balance in the House of Representatives at 236 Republicans to 198 Democrats (with one independent); in the Senate, it is 53 Republicans to 47 Democrats.

This shift in party control certainly changed the direction of the national policy debate in Washington. Less than two years ago, Congress was seriously debating President Clinton's attempt to nationalize the entire health-care industry. And just a year earlier, Congress passed and Clinton signed a budget that contained what Democratic senator Pat Moynihan called the largest tax increase in the history of the world. Since the elections of 1994, however, the debate in Washington has centered on how to cut taxes and balance the budget in a way that would, over time, cut the size of the federal government from 21.2 percent of the U.S. Gross Domestic Product to roughly 17 percent.

Yet the intense focus on Washington, D.C., has obscured the conservative revolution within the states. In some ways, the changes occurring in state capitals across the country are even more important than those inside the Beltway. Conservative reforms at the state level make similar efforts in Washington both more likely and, oddly, less important. The states have led the way so far, and they are quite prepared to march ahead, even if the revolution in Washington stalls.

Although less visible, the 1994 shift in partisan control was more pronounced at the state and local levels than in Washington. Republicans won 24 of 36 gubernatorial races to increase the number of statehouses in their column from 19 to 30. With Mike Foster's victory in last year's gubernatorial election in Louisiana, Republicans now occupy 31 statehouses. More than 72 percent of the American people now live in states with Republican governors. Within state legislatures, the GOP gained 105 senate seats and 367 house seats in 1994 to gain control of seven upper chambers and 10 lower chambers. Since that election, 50 state legislators have switched to the GOP.

These gains have historic consequences. Prior to the 1994 elections, Democrats controlled the governorship and both legislative chambers in 17 states. In these states, all labor law, election law, budgeting and taxes, redistricting, and judicial appointments were fully controlled by the Democratic Party. Republicans exercised similar control in just four states: Utah, Arizona, New Hampshire, and New Jersey. Today, the Democratic Party controls the governorship and the

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legislature only in Hawaii, Georgia, Arkansas, Missouri, Kentucky, West Virginia, and Maryland, while Republicans reign supreme in 15 states, including Pennsylvania, Ohio, Michigan, Illinois, and Wisconsin (see chart, page 27).

The nationwide shift to Republican governors affects the content of the policy debate in at least two ways. First, it intensifies the pressure from the states for more autonomy. In fact, strong lobbying by governors such as Bill Weld of Massachusetts, George Voinovich of Ohio, Tommy Thompson of Wisconsin, and John Engler of Michigan was crucial to Republicans' efforts in the fall of 1995 to pass their historic budget, designed to give states unprecedented power over welfare and Medicaid programs.

Second, a Republican Congress is more likely to fulfill its commitment to "devolution" knowing that ideologically sympathetic governors are at the helm in many key states. Despite the Republican Party's dedication to federalism, is it plausible that Speaker Newt Gingrich and Senate Majority Leader Bob Dole would have fought so hard to send billions of dollars with few conditions over the next seven years to Ann Richards or Mario Cuomo to run Medicaid, welfare, and other programs? Liberal governors would have gladly spent the money, then denounced Republican policies for ending entitlements. And a conservative party would have been irresponsible to hand billions in unrestricted federal dollars to its political enemies, who could use the money to hire Democratic precinct workers and build political machines to destroy Republican congressmen and senators.

The historic shift was not just a matter of *more* Republican governors. The high quality of these governors was also critical. A conservative Congress would have been rightly wary of handing power and money over to yesteryear's generation of Republicans—including Nelson Rockefeller of New York, Bob Ray of Iowa, Bill Milliken of Michigan, and James Rhodes of Ohio—whose records on spending, taxes, and the role of government were indistinguishable from that of Cuomo or Richards. Newt Gingrich is to Bob Michel as Michigan's John Engler is to Milliken, as New York's George Pataki is to Rockefeller. This profound ideological shift among governors and state legislators has occurred in more than 25 states.

The emergence of conservative Republican leadership simultaneously at the national and state levels was no coincidence. In the 1980s, Newt Gingrich learned from John Engler, then majority leader of the Michigan state senate, that many state legislators drove to attend legislative sessions. By sending them Republican audio tapes to listen to on these drives, Gingrich began to coordinate a conservative political message

Illustration by Christopher Bing; photos of Governors Bush, Engler, and Symington courtesy of their offices.

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across the nation. The reforms that Engler and Tommy Thompson later pushed through their respective legislatures revealed what Republican governance could achieve. Their ideas for welfare reform, which predated the 1994 election, served as a national model for Republicans. The press attacked Engler savagely for ending general welfare for some 80,000 able-bodied men. But his recovery and the victories of Republican state senators running only six months later proved again that voters value effective policy over partisan polemics.

In Washington, political reform has been frustrated by a recalcitrant Senate and Bill Clinton's veto pen. Of the Contract With America's 10 specific items, Congress has passed only the line-item veto, procedural reforms in the House of Representatives, and the Congressional Accountability Act, which brings Congress somewhat under the same laws it imposes upon business. The House has passed the Balanced Budget Amendment, regulatory reform, and other legislation, only to see them watered down or stopped in the Senate. Bill Clinton has twice vetoed welfare reform, and a relatively narrow tort-reform bill was passed over his veto.

As with many issues, parental choice in education reached the national political agenda via the states.

In the meantime, the states have not stood still. The new generation of Republican governors and state legislators is advancing the Republican reform agenda—from tax cuts to tort reform. Here are a few of the critical issues raised by the Contract With America and addressed by the states. They provide a blueprint for future work in Washington:

Taxes

In 1993, Clinton campaign strategist James Carville announced that the off-year governor's race in New Jersey between incumbent Democrat Jim Florio—who had raised taxes in 1989—and his challenger Christine Todd Whitman—who called for a 30 percent across-the-board income-tax cut—would be the burial ground of Republican advocacy of tax reduction.

Carville misidentified the cadaver. Whitman made the last month of the campaign a clear referendum on her tax-cut proposals, and it worked. Whitman's victory was critical in ensuring that tax cuts would be prominent in the Contract With America a year later.

In 1995, while Republicans in Congress were debating a $500-per-child tax credit and cutting the capital-gains tax in half, 17 states with Republican governors cut taxes. In addition, Bill Weld in Massachusetts and Kirk Fordice in Mississippi pushed for tax cuts but faced overwhelming opposition by Democratic legislatures. Arizona governor Fife Symington won an income-tax reduction of $130 million in 1994 and $200 million in 1995, and plans to phase out the income tax over the next four years.

And in New Hampshire, Governor Steve Merrill demonstrated that taking the no-income-tax pledge remains a powerful campaign weapon and effective tool for governing. The Taxpayer-Protection Pledge—made famous when George Bush won the Republican nomination and presidency because he took the pledge and then lost re-election when he broke it—was born in New Hampshire in 1972. Since then, no one who has not taken the pledge has ever won the governorship of the state.

In the 1994 elections, Merrill had the happy idea of extending the pledge against a sales or income tax increase to the campaigns for the state senate. Before the election, there were 13 Republicans in the state senate and 11 Democrats. Merrill led a slate of 23 Republicans who took the pledge as a team (foreshadowing the Contract With America); as a result, the Republicans seized 18 of 25 state senate seats and drove from office two Republicans known in New Hampshire as RINOs, or Republicans in Name Only, who had voted with the other party. In 1996, all 395 members of New Hampshire's house of representatives will be asked to take the pledge, separating the RINOs from the Merrill low-tax Republicans.

Taxpayer activists in 40 states are now pushing state legislators, governors, and candidates for those offices to take a state taxpayer-protection pledge. Mike Foster won the governorship of Louisiana as a pledge-taker, and Alabama's Fob James signed the pledge in early 1996 to highlight his consistent opposition to tax increases.

This state emphasis on holding down taxes has already produced results. In Kansas, Governor Bill Graves passed legislation cutting the automobile tax in half over five years and repealing a 2.5 percent sales tax on labor used in new construction and on utilities used in manufacturing. Graves also enacted a two-year moratorium on the collection of unemployment taxes from many Kansas businesses, saving them nearly $275 million. Iowa governor Terry Branstad is pushing legislation to phase out over six years the property tax on machinery and equipment, which is now taxed at 30 percent of its original cost. In New Hampshire, Merrill reduced the tax rate on

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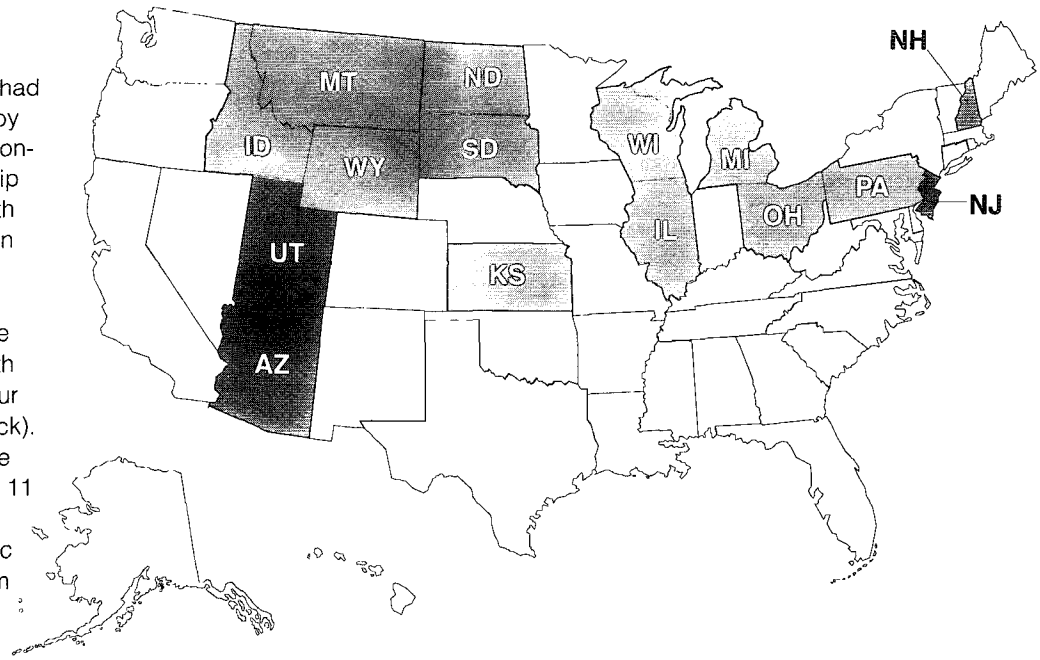
The GOP Takes Charge in the States

Until 1995, the Republican agenda had been handicapped by lack of full political control—the governorship and a majority in both legislative houses—in many states.

The GOP entered the elections of 1994 with full control of only four states (shown in black). After the election, the GOP added another 11 states (gray). States under full Democratic control dropped from 17 states to seven.



GOP governor and control of both legislative houses, prior to 1994 elections.

GOP governor and control of both legislative houses, since 1994 elections

Source: *1994 Republican Almanac*

business profits to its lowest level in 14 years, cut the telecommunications tax and the real estate tax, and abolished the savings-bank tax and the corporate-franchise tax.

In Massachusetts, Bill Weld has achieved nine tax cuts, including the abolition of the inheritance tax, a rollback of Michael Dukakis's increases in income taxes and sales taxes and—despite an overwhelmingly Democratic legislature—a cut in the capital-gains tax.

Weld's position on taxes illuminates the national debate over the flat tax. Massachusetts's constitution requires a single income-tax rate, now set at 5.95 percent. In 1994, the public-employee unions financed an initiative campaign to repeal this tax provision and establish a graduated, or "progressive," income tax. Weld and Citizens for Limited Taxation defeated the campaign, pointing out that a multiple-rate system allows politicians to separate voters into income groups and play them against each other.

On April 15, 1996, and again on April 15, 1997, the U.S. House of Representatives will vote on a constitutional amendment to require a two-thirds supermajority vote for any federal tax increase. This idea, too, is drawn from the states. The two-thirds supermajority was part of California's Proposition 13 in 1978, and in 1994, Fife Symington and Arizona taxpayer groups backed a successful ballot initiative that amended the state constitution to require a two-thirds vote of the legislature for tax hikes.

The federal and state constitutions require supermajorities for any legislative actions that depend on widespread support for their legitimacy (like overriding vetoes). Tax increases also demand that level of scrutiny. Taxpayer activists in Arizona are now circulating another initiative to require a two-thirds supermajority for any tax hike approved by the voters directly. They fear that public-employee unions will swamp low-turnout elections and force local or state tax hikes. George Voinovich in Ohio is working with taxpayer advocates on a ballot proposal to require a two-thirds supermajority vote for major tax hikes. Just as term limits swept through 23 states and became part of the Contract With America, the drive for supermajority requirements for tax increases has also been moving on parallel paths at the national and state level.

School Choice

In Washington, Republicans tried to provide parental choice in education for several thousand of the poorest families in Washington, D.C. Led by Republican congressman Steve Gunder-

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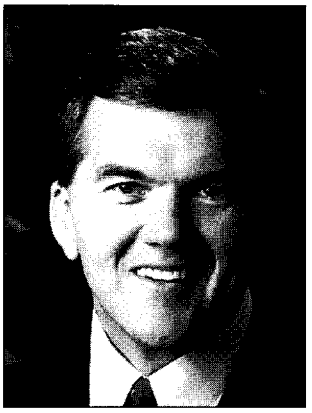
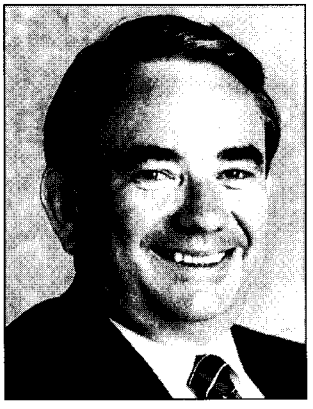
son of Wisconsin, the House of Representatives approved the measure in the 1996 appropriations bill for the District. But as of March, the measure was stymied in the Senate by a Democratic filibuster.

As with many issues, parental choice in education reached the national political agenda via the states. Tommy Thompson led the way in 1990 with a model school-choice program for poor Milwaukee parents. More than 1,000 children have qualified to receive vouchers for tuition at secular private schools. The teachers unions maintained that only public schools could provide good education, but studies have shown that Milwaukee public schools suffer a 79 percent attendance rate and a 48 percent graduation rate. By comparison, the city's private schools boast rates of 96 percent and 88 percent respectively.



Gov. Tom Ridge



Gov. Tommy Thompson

Gov. George Pataki

Growing public support for school choice led Thompson to sign legislation last July that expanded the number of eligible children to 7,000 in the current school year and to 15,000 next year. This expanded program—now being challenged in court—would give parents the freedom to send their children to parochial or other religious schools. Pending a court decision, the Bradley Foundation and other private funders are financing vouchers for low-income students accepted to private schools.

In Pennsylvania, Governor Tom Ridge put school choice at the top of his agenda. Although Republicans controlled both houses of the legislature, the governor's KID I program failed last year by six votes. Ridge returned last fall with a more modest program to provide $132 million for scholarships for as many as 50,000 students. To reassure skeptics, this version was designed to expire if not reauthorized and was limited to certain cities and counties. Ridge also added a provision ensuring that no school district in Pennsylvania would lose money as a result of school choice. As of this writing, the legislature has once more refused to follow the governor's lead, but key legislators vow that the battle is far from over.

In Minnesota, Governor Arne Carlson wants to provide 65,000 low-income students in Minneapolis-St. Paul and a rural district yet to be named with vouchers of up to $3,000, valid at any school. Governor Carlson does not yet have a Republican majority in both houses, but is moving school choice forward by organizing a Republican Task Force for School Choice to put political muscle behind his vision.

By promoting school choice, Carlson unites economic conservatives in the business community—who know that school choice will reduce education costs and raise the quality of high-school graduates—with social conservatives who want parents, rather than bureaucrats, to control their children's education.

In Arizona last year, Governor Fife Symington backed a statewide school-choice plan to give all Arizona students up to $1,500 to attend any private school of their choice. Many national figures in the GOP lobbied legislators on behalf of Symington's platform, yet the measure fell three votes short in the state senate, thanks to a handful of Republicans with ties to the National Education Association.

In California, teachers unions spent $15 million of their members' dues in the fall of 1993 to defeat a school-choice ballot initiative. In his 1996 State of the State address, however, Governor Pete Wilson endorsed a targeted pilot program for school choice. Wilson's proposal would provide 250,000 children in the poorest 5 percent of California's public schools with up to $4,500 each to attend the public, private, or religious school of their choice. Connecticut's Governor John Rowland is also supporting a pilot school-choice program.

Massachusetts, Michigan, and Arizona have all embarked on extensive charter-school programs, allowing individuals and teachers to create their own public schools, free of many existing regulations. While charter schools are not school choice, they do offer a real opportunity for many teachers and students to scale the wall the NEA has erected to keep "its" children from escaping bad schools.

Tort Reform

In 1995, 12 Republican governors took on one of the fiercest Democratic special-interest groups—the trial lawyers—and won. While Congress was only able to enact a very limited reform of frivolous stockholder lawsuits, Republican governors made significant strides. Walter Olson, the author of *The Litigation Explosion*, cites tort-reform initiatives by George Bush Jr. in Texas and Jim Edgar in Illinois as two of the most far-reaching.

Texas now limits punitive damages, requires "clear and convincing" evidence to prove malice, raises the qualifications for expert witnesses, and eliminates joint liability for defendants less than 51 percent at fault.

Photos of Governors Ridge, Thompson, and Pataki courtesy of their offices.

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The new Illinois law bars any plaintiff found to be more than 50 percent at fault from recovering damages (which should stop drunks from suing after falling in front of trains), prohibits punitive-damage awards except where defendants behave "with an evil motive or with a reckless indifference to the rights of others," abolishes joint liability for economic and noneconomic damages (thus protecting "deep pocket" defendants from the liability of others), and provides the stiffest reform of product liability in the nation. The Illinois law also protects landowners from being sued by trespassers in most cases.

North Dakota governor Edward T. Schafer passed a product-liability reform package aimed at luring airplane manufacturers to North Dakota. Schafer has pointed out that states need not compete for business by offering subsidies or special tax breaks; instead, they can all lower regulatory and liability costs, and everyone wins.

Crime

The latest Republican anti-crime agenda has made little headway in Washington, where the Senate has failed to act on a package of bills passed by the House. Meanwhile, Republican governors led the way in enacting "truth-in-sentencing" laws that require violent criminals to serve at least 85 percent of their sentences, with time off for good behavior but not parole. Governor Fob James of Alabama reintroduced chain gangs—although the new chains are made of sturdy plastic. He also instituted work and education requirements for inmates to earn television and recreation privileges and banned inmate access to pornography. Mississippi's Kirk Fordice has reestablished the state prison farm, and taken a thousand television sets away from prisoners. Under Pete Wilson, California has carried out its first two executions in 25 years. In New York, after 19 vetoes by Mario Cuomo, Governor George Pataki signed legislation restoring the death penalty and honored Oklahoma's extradition request for murderer Thomas Grasso, who was subsequently executed for murder. Connecticut's John Rowland restored the death penalty there.

Bucking the pro-gun control trend in Washington, D.C., that as recently as the fall of 1993 saw the "Brady Bill" passed and the so-called assault-weapon ban included in Bill Clinton's "crime" bill, 28 states have passed "concealed-carry" laws that require local officials to grant licenses to qualified adults who wish to carry concealed handguns. Ten states passed concealed-carry laws in 1995, including Oklahoma, which did not blink at liberal efforts to blame gun owners, taxpayers, and/or radio talk show hosts for the terrorist bombing of the federal building in Oklahoma City. Mike Foster, Louisiana's new Republican governor, campaigned on a commitment to sign a concealed-carry law that his Democratic predecessor had vetoed. Ohio, too, with its new Republican majorities, has the votes to pass a concealed-carry law.

Crime is always a thorny issue for Republicans in Washington, caught between their federalist belief in local responsibility for law enforcement and public pressure for federal action on crime. The success of Republicans at the state level at implementing tough anti-crime measures has the added benefit of taking national Republicans off the hook.

Welfare

Although Bill Clinton has vetoed the Republican welfare-reform bill (which embodies concepts that he once embraced), Republican governors continue to experiment with efforts to free individuals from the dependency of welfare. Tommy Thompson began a series of reforms in 1987 that have reduced Wisconsin's welfare caseload by 32 percent while welfare rolls nationwide were increasing by 25 percent. Pete Wilson suspended cost-of-living adjustments for welfare payments, saving taxpayers $6.3 billion over the past four years and keeping welfare costs 27 percent below where they would otherwise have been.

Almost every Republican governor has passed, introduced, or requested federal waivers for welfare reform in their state.

Fife Symington has cut Arizona welfare rolls by 10 percent. His new "Empower" welfare reform limits able-bodied recipients to no more than 24 months of welfare benefits in a five-year period, ends additional payments for welfare recipients who have additional children, and requires minors to live at home to receive any benefits. Between 1992 and 1995, George Voinovich phased out Ohio's generous general-assistance program, which was paying benefits to 142,000 able-bodied Buckeyes. Bill Weld has pushed a series of reforms that have reduced the Massachusetts welfare caseload for 25 straight months. Almost every Republican governor has passed, introduced, or requested a federal waiver for welfare reform in their state. New Hampshire alone has requested 65 waivers from federal welfare requirements. Faced with a stone wall in Washington, Steve Merrill is now prepared to institute his reforms anyway.

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Spending Restraint

The conflict between Congress and the president over the size and cost of government has already shut down the federal government repeatedly. This fight has played itself out in the states as well. Steve Merrill had to fight his own Republican legislature to lower spending, and finally won a budget lower than that passed by either chamber of the legislature. Merrill's veto of legislation that would have doubled state aid to education was upheld. Merrill, George Pataki of New York, and Bill Weld of Massachusetts are the only three governors who have actually shrunk their budgets since the previous year.

In Ohio, George Voinovich won legislation eliminating two state cabinet agencies. He plans to privatize 78 state liquor stores, saving Ohio taxpayers $20 million annually. Cabinet agencies under the governor's control had 3,162 fewer employees in 1995 than in 1991, a reduction of 8.3 percent. Pete Wilson is asking for an amendment to the California constitution requiring a two-thirds supermajority vote for any new and costly regulation. Kansas governor Bill Graves enacted a six-month moratorium on new government regulations, and then eliminated 530 obsolete rules.

Medical Savings Accounts

This centerpiece of the Republican reform of Medicare was blocked by Clinton's veto pen, but in 1995, five Republican governors (Fife Symington, Kirk Fordice, Jim Edgar, John Engler, and Idaho's Philip Batt) shepherded medical savings accounts through their state legislatures. These forays into market-based health care will have a significant effect on overall medical costs and insurance premiums, contributing substantially to the debate in Washington, and perhaps eventually ending the impasse. And, when Congress does finally enact reforms in Medicare, the states will already have in place the mechanisms to take full advantage of it.

Property Rights

In March 1995, the U.S. House of Representatives passed legislation recognizing that the Takings Clause of the Constitution is invoked when government actions destroy or reduce the value of private property, not just when the property is physically occupied by government. That legislation has not seen final action, of course. The pressures that produced it are growing throughout the country, however, and governors and state legislatures are responding to them.

Beginning in 1992, the states began passing legislation protecting the property rights of their citizens. To date, 23 states have enacted legislation of varying strength, and more efforts are under way. Most of these involve some form of compensation for land values affected by state

In Welfare Reform, Governors Miss the Point

Congress is now considering a welfare-reform plan recently proposed by the nation's governors. Unfortunately, this plan ignores America's biggest social problem: the catastrophic rise of illegitimacy.

Nearly a third of the children born in America last year were born out of wedlock. The illegitimacy rate is rising by a percentage point every year. And among blacks the out-of-wedlock birthrate has reached 69 percent. This figure astounds even New York Senator Daniel Patrick Moynihan, who warned us in the early 1960s of the threat posed to the black community by the collapse of marriage. Moynihan's admonition was dismissed then, but the breakup of the black family and the calamities that have accompanied it are outstripping his most frightful predictions.

Ominously, the illegitimacy rate for whites is now edging toward 25 percent, almost exactly the rate for blacks when Moynihan first sounded his alarm. The white family now faces the same breakdown that has devastated black communities in the last 30 years.

Family collapse is the root cause of a host of social problems, including poverty, crime, drug abuse, and academic underachievement. Children born out of wedlock are seven times more likely to be poor than children born to couples who are married. Girls raised in single-parent homes on welfare are five times more likely to give birth out of wedlock than girls from intact, independent families. And a boy from a single-parent household in the inner city is twice as likely to become involved in crime as a similarly poor boy who lives with a father and a mother.

The nation's governors have responded to this grim reality by ignoring it. In unveiling their welfare reform plan, they have declared that there are three "key elements" to real welfare reform: (1) providing more government-funded day care; (2) increasing child support payments from absent fathers; (3) imposing time limits and work requirements on welfare recipients. Rising illegitimacy and the collapse of marriage do not receive even passing comment.

This plan represents a radical shift in the focus

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restrictions on its use. In 1995, every state but Kentucky and Georgia was considering some form of property-rights legislation.

Color-Blind Society

California and Pete Wilson give a textbook example of how a state can force action that has been avoided for decades at the national level. Citizens have filed an initiative petition in California, the California Civil Rights Initiative (CCRI), that would prohibit the state from discriminating based on race or sex. It is a ban on racial preferences or quotas. For two decades, Washington politicians were able to say "I oppose quotas, but favor affirmative action," while supporting laws and court decisions that require racial preferences and quotas. The California initiative may force all national politicians, during an election year, to answer the following questions: "Are you for or against the CCRI as written?" They could no longer fudge or evade discussions of affirmative action.

Meanwhile, a dozen other states are considering measures similar to the California initiative. And on January 15, 1996—Martin Luther King Day—the newly elected Louisiana governor, Mike Foster, issued an executive order abolishing all racial preferences as abhorrent to King's vision of a color-blind society.

As a result, Republican leaders in the Congress have all stated their opposition to quotas and racial preferences. Bob Dole and Representative Charles Canady have introduced federal legislation mirroring California's. Black congressman Gary Franks, a Connecticut Republican was ready to push an amendment to an appropriations bill immediately eliminating contract set-asides for minorities. House leaders persuaded him to postpone it, but this is clearly an issue that will continue to surface at the federal level. There could hardly be a clearer example of state politics forcing an unwanted issue onto the Washington agenda.

Federalism

Alabama governor Fob James took his oath of office standing under a banner carrying the words of the Tenth Amendment: "The Powers not delegated to the United States nor prohibited by it to the States, are reserved to the States respectively, or to the people." Texas Governor George W. Bush has made a mantra of his call to "let Texans run Texas." Arizona's Fife Symington forced the federal government to reopen the Grand Canyon by threatening to operate it with state workers. He has since called on the federal government to cede control of the Grand Canyon to his state, and is working with Newt Gingrich to speed a transfer of power. Symington has also socked away $1 million to finance law-

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of the welfare debate—from combating illegitimacy to providing public-support services to an ever-expanding population of single mothers. Dodging the illegitimacy issue entirely, the governors' plan promises a future in which marriage collapses further and the government must meet the needs of a burgeoning population of single-parent families. The triumph of the Left is complete: Fighting illegitimacy is "out," and funding government-run day care is "in."

Some argue that federal action on illegitimacy is not needed, that the governors will tackle the problem. But the governors' silence speaks volumes. Few have made reducing illegitimacy a priority; most are reluctant even to mention the topic. But by refusing to acknowledge the dangers of collapsing marriages and rising illegitimacy, they implicitly condone and ultimately promote illegitimacy. The result: Soon, half of all American children will be born out of wedlock and reared in government-run day-care centers. This is not reform—this is a national disaster.

The governors' plan borrows heavily from the "reform" schemes of President Clinton and other liberal proposals. It also dovetails with the interests of America's huge welfare bureaucracy, which thrives on social decay. Although the plan will trim the growth rate of welfare spending slightly in the near term, it will lead to an explosion in welfare and social-service spending. In other words, we will have to pay the price for illegitimacy sooner or later.

Congress seems too willing to join the governors in ignoring illegitimacy. Under recent legislation, Congress will spend nearly a half trillion dollars over the next seven years to subsidize illegitimacy through welfare benefits, day care, job training, and other services. For every dollar spent to reduce illegitimacy, the federal government will spend about a thousand dollars on programs that contribute to it.

Marriage in America is dying, and the governors have prepared the coffin. Many in Congress seem willing to serve as pall bearers. But "welfare reform" is nonsense so long as the illegitimacy rate continues to rise. Vision and leadership are sorely needed—and the governors especially seem unable to provide either.

—Robert Rector

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suits that may be necessary to defend the state's Tenth Amendment rights.

Utah Governor Mike Leavitt has begun to organize a national movement to promote an amendment to the U.S. Constitution that would give states the right to block national laws passed by Congress that violate their autonomy. For instance, two-thirds of the governors or perhaps two-thirds of state legislatures would have the power to overturn a federal law by passing resolutions of disapproval. As with a presidential veto, a two-thirds vote of both houses of Congress would reinstate the law.

It may not be necessary to wait for an amendment. Leavitt is trying to get a commitment from Newt Gingrich and Bob Dole that they will force a second vote on any law or part of a law that draws written opposition from two-thirds of the governors. That would give America an opportunity to get used to the way the amendment would operate.

Some commentators ask which of the Republican governors is the best or most effective. In fact, the breadth of quality and activism is amazing. Certainly, John Engler of Michigan and Tommy Thompson of Wisconsin were early revolutionaries. Bill Weld of Massachusetts and Kirk Fordice of Mississippi demonstrated how much one can accomplish in the face of overwhelming Democratic legislatures. Arne Carlson of Minnesota and Tom Ridge of Pennsylvania have bravely challenged the teachers unions in their states, and George Bush of Texas and Jim Edgar of Illinois have taken on the trial-lawyer beast.

All the Republican governors are traveling in the same direction and showing real courage in tackling the special interests of the old establishment order. This is important in each state, but it is also critical nationally. Republican governors and state legislators are to the new Republican majority in Congress and any future Republican president what the labor unions and corrupt big-city machines are to the Democratic Party: its nationwide infrastructure. They are a second front arrayed against the liberal welfare state. In the last five years—and most intensely in 1995—they have followed Lenin's advice to probe with bayonets, looking for weaknesses. Their triumphs guarantee the ultimate success of the Gingrich Revolution—no matter what happens in Washington.

Grover Norquist *is the president of Americans for Tax Reform and the national political correspondent for the* American Spectator.

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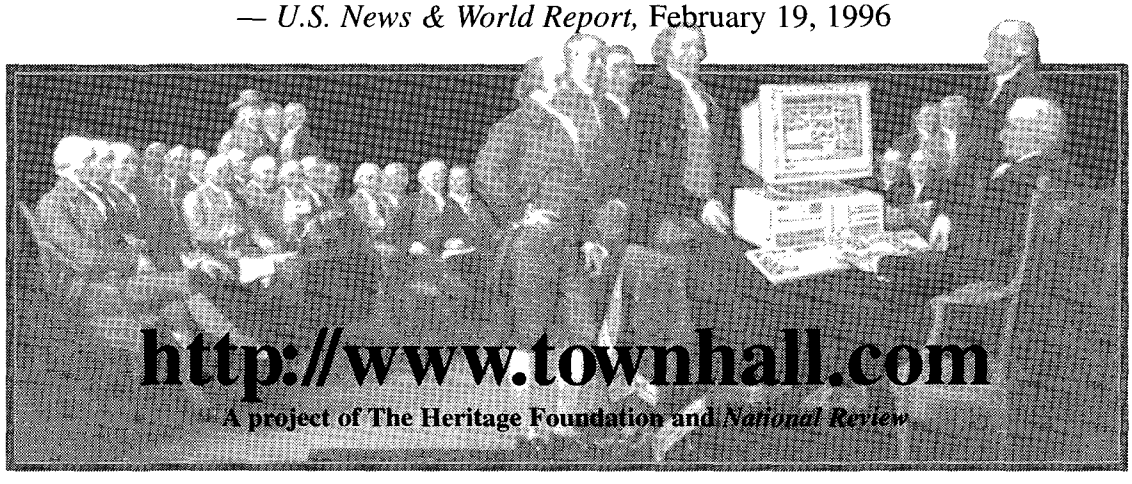
— *U.S. News & World Report,* February 19, 1996



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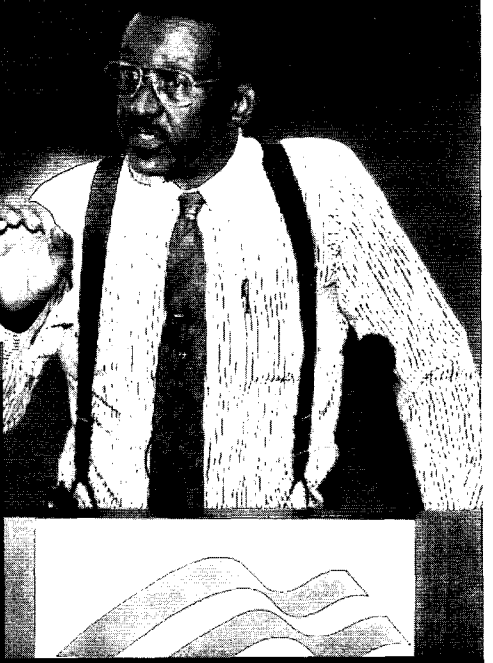

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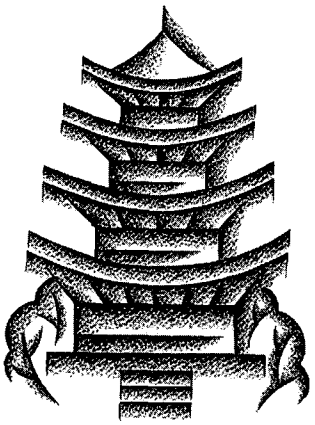
Trade Secrets



Global markets Spur Toledo's Turnaround

By Christopher Garcia

"**If we didn't have** international trade, we'd lose jobs," says Bob Babcock, a sorter at Sauder Woodworking Co. in Toledo, Ohio. Babcock had been laid off for 18 months before finding uninterrupted employment at Sauder, which exports to 70 countries worldwide.

"If we can't win in the international market, then something is wrong with us," adds Harry Eschedor, an employee at New Mather Metals, Inc., a Japanese-owned firm in Toledo.

Even union leaders agree. "Everybody has to have free trade—it's a global market," says Ron Conrad, United Auto Workers unit chairman at Chrysler's Jeep assembly plant in Toledo. "Our philosophy is not Pat Buchanan's philosophy."

Holy Toledo! Isn't this Ohio city the kind of blue-collar, ethnic town that was supposed to falter in a world of computerization and global competition? Didn't Toledoans watch thousands of auto-parts jobs flee overseas in the late 1970s? Weren't they handed pink slips when Owen-

Illustrations by Charlene Rendeiro

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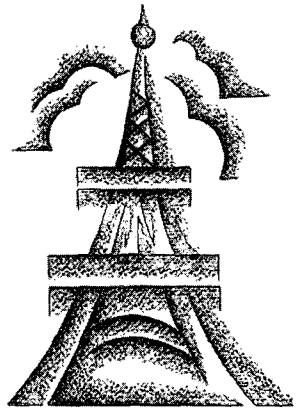

Illinois and Owens-Corning downsized in the 1980s? Weren't they jarred by the takeover of glassmaker Libbey-Owens-Ford by Britain's Pilkington? And isn't this the Toledo whose unemployment rate soared to 12.6 percent in 1982? In short, isn't this the kind of Rust Belt community that economic nationalists want to protect with a wall of tariffs and protective barriers? What's going on?

Trade, trade, trade. Refusing to turn its back on the world, Toledo has turned rust to riches by exploiting international trade opportunities. As a result, employment has reached a 25-year high, unemployment has plummeted to 4.8 percent, manufacturing jobs are growing at 7 percent a year, and waiting lists have formed for the 300-500 new housing units under construction downtown. Meanwhile, community life is flourishing—from taverns to bowling alleys to Rotary Clubs. Notwithstanding the griping of economic nationalists, Toledoans are proving that exports and imports translate into more than just low prices and expanded consumer choice. They mean good jobs at good wages and vibrant, healthy American communities.

Evidence of Toledo's global efforts can be found everywhere. In 1991, Burlington Air Express located its international hub in this northwest Ohio city. Burlington now employs 1,000 Toledoans and ships two million pounds of air freight a day from Toledo to destinations including Canada, Mexico, Hong Kong, and Taiwan. In 1993 Toledo created an International Studies Center to teach students and businessmen Arabic, Chinese, French, German, Japanese, Polish, Russian, and Spanish. Says Joe Rutherford, a former assistant superintendent of schools, "Learning foreign languages is part of our economic-development strategy."

At the center of Toledo's comeback stands Chrysler's Jeep plant. Originally built in the 1880s, this factory is the oldest continuously operating auto-assembly plant in the United States—and looks it. An antique brick smoke stack, still belching smoke, bears the name of Willys-Overland, the plant's one-time occupant and long-forgotten jeep inventor.

But the plant's time-worn exterior belies its vitality. Inside, scores of Jeep workers busily inspect Jeep Cherokees under a banner that reads, "The customer is our final inspector." The final inspector for many of these Cherokees will be Japanese. Or Chinese. Or Egyptian. This year the plant will ship 40,000-50,000 Cherokees, or 30 percent of its total production, to 130 international destinations. And these figures do not include exports to Canada, whose market is so integrated with our own that it is not measured separately. Nor does it include the completed but disassembled Jeeps the plant will ship to China, Egypt, Venezuela, and Argentina.

The plant almost closed in the mid-1980s. "We had let our guard down a bit," explains Toledo Mayor Carleton Finkbeiner. "We had become comfortable with our market share, but our days of domination were over." International competitors were beating the overalls off of American automakers, and Chrysler could not afford to operate Jeep factories in both Toledo and Kenosha, Wisconsin.

"Our plant generated more workmen's compensation costs than the rest of the Chrysler assembly plants combined," admits Ron Conrad

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of the UAW. To boost production, Jeep workers have slashed workmen's comp costs and lost-time injuries by 41 percent since 1990, and have cut employees' grievances from 1,665 in 1985 to 30 today. Workers at Jeep have even initiated a Product Quality Improvement (PQI) program in which Jeep employees work in teams (there are now 282) to identify ways to cut costs and generate efficiencies.

Thanks to its higher productivity, this plant survived to become the first American auto plant to produce right-hand-drive vehicles for Japanese and European markets. In 1995, the plant shipped 30,000 right-hand-drive Cherokees overseas, up from 18,000 in 1994. This year it will send 12,000 to Japan, 25,000 to Europe, and thousands more to Australia. Jeep has shaped up to ship out: Exports constitute this plant's fastest-growing market.

Such success benefits the local economy, not just Chrysler's shareholders. "We have used the growth in the export market to grow our plant," says Gerald Huber, a Toledo plant manager until his recent promotion. A plant that in 1973 employed approximately 3,000 Toledoans now employs 5,600. Workers earn $45,000-$50,000 a year, on average, and were rewarded for their efforts in 1994 with $8,000 profit-sharing checks.

Jeep's recovery has been a boon for community life on Toledo's historically Polish North Side. A shop called Cakes, Candies, and Crafts is doing a thriving business teaching locals how to make *pierogi* (Polish dumplings). Betty and David's restaurant, located across the street from St. Wojciecha's church, serves one of the best breakfasts in town to a full house every morning. Real estate is "as good or better than it's ever been," says Brent Gagné, who has sold real estate in Toledo since 1971. In the mid-1980s joblessness made it difficult for people to qualify for a mortgage, and seller-assisted financing constituted 75 percent of Gagné's business. Today's buyers get mortgages on their own. And two of the North Side's most venerable institutions, Central Catholic High School and St. Vincent's Medical Center, recently made capital investments that will keep them in the North Side well into the next century.

John Henry Fullin, a North Side resident, talks about "an explosion of people getting involved to make things better." North Side denizens, for example, have devised a community-policing program that has reduced crime 42 percent. And many residents have become involved in Toledo's volunteer-based Sister Cities program with foreign cities. Through Sister Cities, residents established a Jeep dealership in Szeged, Hungary, that now imports Jeeps from the Toledo plant.

But Jeep is not the only company in the greater Toledo area to have hitched its wagon to the global market, nor is the North Side the only Toledo community to reap the benefits of international trade. Companies throughout the region demonstrate that imports and foreign direct investment, in addition to exports, can benefit communities.

New Mather Metals produces stabilizer bars, which control automobile suspension systems during cornering. It has been a staple on the North Side for 80 years. In 1987, the company employed 70 workers. It now employs 175, and its growth shows no sign of slowing. The plant recently purchased two pieces of property and plans to add four new production lines, or 20 new jobs. While New Mather ships a small percentage of its stabilizer bars directly overseas, its domestic customers install a large percentage of New Mather's bars in cars intended for overseas markets.

Jeep's recovery has been a boon for community life on Toledo's historically Polish North Side.

Sauder Woodworking Co., situated west of town, is the world's largest manufacturer of ready-to-assemble (RTA) furniture. RTA furniture is made of particle board that is covered with micropaper laminate to give it the appearance of genuine oak or cherrywood. Approximately 260 Sauder workers owe their jobs to exports, and international sales, which have skyrocketed 400 percent the last five years, will soon enable Sauder to add 750,000 square feet of factory space to its existing facility.

In Delta, an industrial suburb, a primarily residential landscape is being interrupted by the construction of a $425-million steel mini-mill. The mill will recycle scrap steel from junked cars and appliances and will generate 350 jobs and $16 million in payroll. A portion of the steel processed at this mill will be exported to Canada, helping revise America's recent record as a steel importer.

Imports and foreign direct investment are essential to these businesses. Delta's mini-mill, for example, is a joint venture between a privately held American firm and Broken Hill Proprietary (BHP) of Australia. New Mather Metals, on the other hand, is entirely foreign-owned. It was bought in 1987 by NHK Spring of Yokahama, Japan, to supply Japanese car makers. And in a business where a table is often judged by its cover, Sauder imports from Japan the

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micropaper it uses to cover its furniture. New Mather also imports: Nearly all of its equipment comes from Japan. Jobs at Sauder, New Mather, and Northstar/BHP are bound up with either foreign money, foreign imports, or both.

As with the Jeep plant, the success of these companies in the global market affects the communities around them. Just ask Anne Summers, who owns a bar called The Village Tavern in Delta. "If you drink in this town, I probably know you," she boasts. But Summers twice considered closing her doors in the 1980s, because factory closings emptied her bar stools. Now business is booming. With a gleam in her eye, she reports that contractors will employ 3,000 workers this summer to complete construction of the mill. Summers is also excited that her two grandchildren will benefit from a new computer lab Northstar/BHP has installed in the local public elementary school.

Back in Toledo, a different small business is feeling the effects of the export-led surge in employment. Tony Packo's, a restaurant made famous by the 1970s hit sitcom *M*A*S*H* and well known for its Hungarian hot dogs, has served the Hungarian community for more than 60 years. Antique signs bearing the names of companies from Toledo's industrial past, like Champion, remind visitors that Packo's has seen the best and worst of Toledo's fortunes. Diana Chastien, a Packo's manager, has just hired five new employees and plans to hire more. She attributes a recent surge in the establishment's business to the turnaround in the Toledo economy. She has also noticed that Hungarians who had moved out of the community during the downturn in the 1980s are moving back.

Even bowling seems to be affected. Bowling in Toledo had declined during the lean 1980s, when cheaper forms of entertainment, like video rentals, became popular, but has held its own in the 1990s. Larry Nworowski, the president of the Greater Toledo Bowling Association, reports that leagues will even gain a couple of hundred bowlers this year. Approximately 25,000 Toledoans bowl in league play—out of a total metropolitan population of 750,000. In Toledo, it seems, citizens don't bowl alone.

Trade free of government interference is vital to the millions of Americans and thousands of communities benefiting from it.

In fact, everywhere you turn in Toledo international trade seems to be leaving its imprint. Demand for hotel rooms is up 20 percent from last year. Kevin Mann, a clerk at the Fairfield Inn, attributes full occupancy there to "international types." Convention business is also booming. In February, Toledo hosted the International Air Cargo convention. And international companies are supporting philanthropic causes like the revitalization of the century-old Valentine Theater and the construction of a center for science and industry.

The volume of international freight passing through Toledo is one final but important sign of the impact of trade on Toledo. The port of Toledo exported 2.8 million tons of freight to Canada, Japan, Europe, and Africa last year. Five thousand people earn $110 million in payroll in jobs related to the port's trade activities. Sauder itself sends 105 truckloads of furniture out a week, a good portion of which is destined for international markets. And trucks will line up all year to carry 50,000 Cherokees to all international points.

Toledo isn't the only American community prospering thanks to international trade. International powerhouses Goodyear Tire and Rubber and Hills Pet Products have helped create 12,000 jobs in Topeka, Kansas, since 1988. John Deere's Augusta, Georgia, tractor plant expanded its payroll 50 percent last year while importing parts from 10 countries and exporting tractors to 33. In Priest River, Idaho, Hartford Communications, a firm that refurbishes telephone systems and whose export sales are growing 50 percent a year, is hiring unemployed lumber workers. And in Rochester, New Hampshire, the state's second-largest employer, Cabletron, which will derive 50 percent of its revenues from exports by 1997, is hiring five Rochesterites a day. The list goes on.

But protectionist doomsayers insist that American communities like these can't survive without tariff and quota walls—a kind of government-enforced affirmative-action program for U.S.-made goods. It seems of little consequence to them that America has become the world's largest exporter under a free trade regime. U.S. exports have grown more than 45 percent in the last 10 years and 12 million Americans now work in export-dependent jobs. Trade free of government interference is vital to the millions of Americans and thousands of American communities benefiting from it. Says New Mather's Eschedor, "Protectionist countries only push their people backwards. Our jobs, our prosperity, and our future depend on free trade."

Christopher Garcia *is the assistant editor of* Policy Review: The Journal of American Citizenship.

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Unlocking The Jury Box

By Akhil Reed Amar & Vikram David Amar

The Founders of our nation understood that no idea was more central to our Bill of Rights—indeed, to government of the people, by the people, and for the people—than the citizen jury. It was cherished not only as a bulwark against tyranny but also as an essential means of educating Americans in the habits and duties of citizenship. By enacting the Fifth, Sixth, and Seventh Amendments to the Constitution, the Framers sought to install the right to trial by jury as a cornerstone of a free society.

Today that cornerstone is crumbling. In recent years, a parade of notorious criminal trials has called into question the value of citizen juries. The prosecutions of Oliver North, O.J. Simpson, William Kennedy Smith, the Menendez brothers, and the assailants of Rodney King and Reginald Denny have made armchair jurors of millions of Americans. Now the failings of the system seem obvious to anyone with a television:

- In search of "impartial" jurors, the selection process seems stacked against the educated, the perceptive, and the well informed in favor of those more easily manipulated by lawyers and judges. Attorneys exercising their rights to strike candidates from the pool cynically and slyly seek to exclude jurors on the basis of race, gender, and other supposed indicators of bias.
- Courts subject citizens to repeated summonses, intrusive personal questioning, and long and inefficient trials. Unsurprisingly, many citizens avoid jury duty.
- In court, jurors serve a passive role dictated by rules that presume jurors are incapable of impartial deliberation and that provide little help in understanding points of law or evaluating testimony.
- The public perceives that the scales of justice tip in favor of rich defendants with high-priced counsel.

More than a million Americans serve as jurors on state courts each year. Jury service offers these Americans an unequaled opportunity to participate democratically in the administration of justice. But on its present course, this vital egalitarian institution may shrivel up, avoided by citizens, manipulated by lawyers and litigants, and ridiculed by the general public. To be sure, the system has inherent limitations; "correct" verdicts cannot be guaranteed. But given the jury's present form, society is bearing the costs of a jury system's vices without enjoying a jury system's virtues. Our task is to demonstrate why the citizen jury is worth defending, and to propose a number of specific reforms designed to restore the jury to its rightful status in a democracy under law.

A Cornerstone of Democracy

The Framers of the Constitution felt that juries—because they were composed of ordinary citizens and because they owed no financial allegiance to the government—were indispensable to thwarting the excesses of powerful and overzealous government officials. The jury trial was the only right explicitly included in each of the state constitutions penned between 1776 and 1789. And the criminal jury was one of few rights explicitly mentioned in the original federal constitution proposed by the Philadelphia Convention. Anti-federalists complained that the proposed constitution did not go far enough in protecting juries, and federalists eventually re-

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sponded by enacting three constitutional amendments guaranteeing grand, petit, and civil juries.

The need for juries was especially acute in criminal cases: A grand jury could block any prosecution it deemed unfounded or malicious, and a petit jury could likewise interpose itself on behalf of a defendant charged unfairly. The famous Zenger case in the 1730s dramatized the libertarian advantages of juries. When New York's royal government sought to stifle its newspaper critics through criminal prosecution, New York grand juries refused to indict, and a petit jury famously refused to convict.

But the Founders' vision of the jury went far beyond merely protecting defendants. The jury's democratic role was intertwined with other ideas enshrined in the Bill of Rights, including free speech and citizen militias. The jury was an essential democratic institution because it was a means by which citizens could engage in self-government. Nowhere else—not even in the voting booth—must Americans come together in person to deliberate over fundamental matters of justice. Jurors face a solemn obligation to overlook personal differences and prejudices to fairly administer the law and do justice.

As the great historian of anti-federalist thought, Herbert Storing, put it, "The question was not fundamentally whether the lack of adequate provision for jury trial would weaken a traditional bulwark of individual rights (although that was also involved) but whether it would fatally weaken the role of the people in the administration of government."

Perhaps most important was the jury's educational mission. Through the jury, citizens would

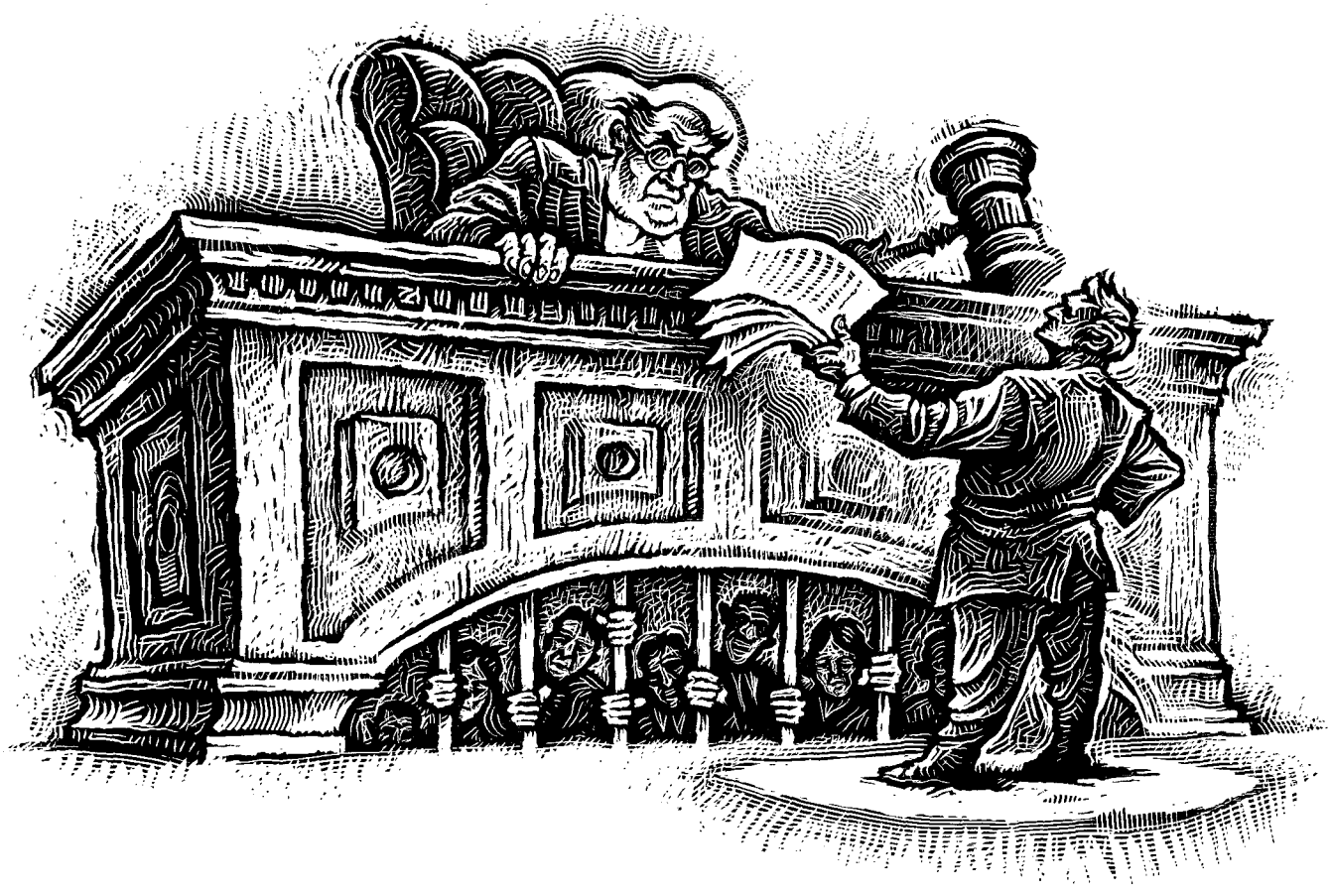

Illustration by Phil Foster

No idea is more central to democratic government than a well-informed citizen jury.

learn self-government by doing it. In the words of Alexis de Tocqueville, "The jury is both the most effective way of establishing the people's rule and the most effective way of teaching them how to rule." This learning, of course, would carry over to other political activity. As Tocqueville explained:

"Juries, especially civil juries, instill some of the habits of the judicial mind into every citizen, and just those habits are the very best way of

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preparing people to be free. . . . They make all men feel that they have duties toward society and that they take a share in its government. By making men pay more attention to things other than their own affairs, they combat that individual selfishness which is like rust in society. . . . [The jury] should be regarded as a free school which is always open and in which each juror learns his rights, . . . and is given practical lessons in the law. . . . I think that the main reason for the . . . political good sense of the Americans is their long experience with juries in civil cases."

Once we see how juries serve as major avenues for popular education and political participation, the connections early American observers drew between jury service and other means of political participation—especially voting—make more sense. Tocqueville keenly understood these linkages: "The jury system as understood in America seems to me to be as direct and extreme a consequence of the . . . sovereignty of the people as universal suffrage. They are both equally powerful means of making the majority prevail. . . . The jury is above all a political institution [and] should be made to harmonize with the other laws establishing the sovereignty. . . . For society to be governed in a settled and uniform manner, it is essential that the jury lists should expand or shrink with the lists of voters. . . .

"[In general] in America all citizens who are electors have the right to be jurors."

We have come to think of voting as the quintessential act of democratic participation. Historically, the role of the people in serving on juries was often likened to the role of voters

Tocqueville explained, "Juries instill some of the habits of the judicial mind into every citizen . . . those habits are the very best way of preparing people to be free."

selecting legislative bodies, and even to the role of legislators themselves. Indeed, the jury's place in the judicial framework was closely related to the idea of bicameralism: Just as the legislature comprised two equal branches, an upper and a lower, juries and judges constituted the lower and upper branches, respectively, of the judicial department.

The Supreme Court has reinforced the linkage of jury service and voting as part of a "package" of political rights. For example, in a 1991 case challenging race-based exclusions in jury selection, Justice Anthony Kennedy observed in his majority opinion that "with the exception of voting, for most citizens the honor and privilege of jury duty is their most significant opportunity to participate in the democratic process. . . . Whether jury service may be deemed a right, a privilege or a duty, the State may no more extend it to some of its citizens and deny it to others on racial grounds than it may invidiously discriminate in the offering and withholding of the elective franchise."

Later in the same term, Justice Kennedy again invoked the similarity between jury service and voting, observing that just as government cannot escape from constitutional constraints by farming out the tasks of administering elections and registering voters, neither can it evade constitutional norms by giving private parties the power to pick jurors.

The link between jury service and other rights of political participation such as voting was also recognized and embraced by the drafters of the Reconstruction amendments and implementing legislation, and still later by authors of various 20th-century voting amendments. For example, the framers of the Fifteenth Amendment, which prohibited race-based discrimination in voting, understood well that the voting they were protecting included voting on juries. That amendment, drafted and ratified in the 1860s, proved to be a template for later amendments protecting women, the poor, and the young from voting discrimination.

Justice's Weak Link?

The weaknesses of jury trials are sometimes ascribed to the mediocre capacity of ordinary citizens to adjudicate matters of law and fact in an increasingly complex society. It is true that jurors will not always decide "correctly," any more than voters will always choose the most qualified candidates for public office. But the real problem is not that we rely too much on men and women of ordinary intelligence and common sense to decide questions of fact and value in the courtroom. The problem is that we rely too little. The jury is crippled by constraints imposed by the court professionals.

In the era of the Founders, the jury was no more egalitarian than was suffrage, limited by race and sex and by tests of personal traits thought necessary for judging cases. Over two centuries, even as the right of jury service was gradually extended to all citizens of voting age, the freedom of jurors to participate in the finding of fact in the courtroom was constricted. Contrary to the spirit in which the jury trial was woven into our constitutional fabric, judges and lawyers have aggrandized their own roles in litigation at the expense of the jury.

The deepest constitutional function of the

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jury is to serve not the parties but the people—by involving them in the administration of justice and the grand project of democratic self-government. Alas, over the years, the search for adversarial advantage by attorneys won out over the values of public education and participation.

Judges, charged with protecting these enduring constitutional values, have at times done just the opposite in order to maintain their control over trials. The jury was to check the judge—much as the legislature was to check the executive, the House of Representatives to check the Senate, and the states to check the national government.

It is not surprising that we—as jurors, as citizens—have not fought off these creeping assaults. The benefits of jury service are widely dispersed—they redound to fellow citizens as well as the individual jurors. But the individual juror bears all of the cost—the hassle, the inconvenience, the foregone wages—of jury service.

If the jury system is to remain a central institution of democracy and citizenship, it must be refined. Jury trials must attract engaged and thoughtful citizens; the rules of the courts must treat jurors as sovereign, self-governing citizens rather than as children. To this end, we suggest a number of reforms. In many instances, these changes would require no new laws, but merely a willingness on the part of the courts to unleash the common sense of the ordinary citizen.

I. Respect jurors

First, we must try to design the system to welcome jurors. All too often they are mistreated by the trial process, forced to wait in cramped and uncomfortable quarters while the judge and lawyers question jury candidates, who are often dismissed from selection without explanation. We should use juries to reconnect citizens with each other and with their government. After serving on a jury, a citizen should, in general, feel better—less cynical, more public-regarding—about our system.

II. Make juries more representative

Earlier in the nation's history, juries were impaneled under the elitist principle that only the propertied or the highly educated possessed the habits of citizenship needed to serve well. Now that we know better, it is perverse that professional and literate citizens often are exempted or struck from the jury pool. When juries produce stupid verdicts, it is often because we let interested parties pick stupid jurors in stupid ways. It is a scandal that only those who had never heard of Oliver North were permitted to judge him. Now that we have ceded so much control over trials to the court regulars, this shouldn't come as a surprise—it is akin to letting lobbyists hand-pick candidates for office.

A juror should have an open mind but not an empty mind. We must empower juries in ways that make them more representative and less vulnerable to encroachments of the judicial pro-

fessionals, without turning them into professionals themselves.

Limit peremptory challenges. By and large, the first 12 persons picked by lottery should form the jury. The jury—and not just the jury pool summoned for each case—should be as representative of the entire community as possible. Peremptory challenges (a device that allows lawyers to remove a specified number of jurors from the panel without having to show "cause") should be eliminated; they allow prosecutors and defense attorneys to manipulate demographics and chisel an unrepresentative panel out of a representative pool. Juries should represent the people, not the parties.

Consider the analogies outlined earlier. Our society does not let an individual defendant hand-pick the legislature to fashion the norms governing his conduct; or the prosecutor who pursues him; or the grand jury that indicts him; or the judge who tries him; or the appellate court that reviews his case. We do not set out—and we'll resist the temptation to wisecrack—to pick the most stupid people imaginable to populate our legislatures or our judiciary. And we are especially uneasy about depriving citizens of the right to vote on the basis of discretionary criteria that may mask racial or sexual stereotyping.

Some major arguments have been advanced to support peremptories. First is the idea of legitimacy: The parties will respect a decision reached by a body they helped to select. But what about the legitimacy of verdicts for the rest of society—We, the people, whom the jury system is supposed to serve? After all, the parties regard the trial judge, the appellate court, the legislature, and the grand jury as legitimate, even though the defendant didn't personally select any of them or exercise any peremptory challenges. In the name of principle, the court professionals are merely disguising a power grab at the expense of the jury.

Second, some argue that peremptories allow counsel to probe jurors with incisive questions

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during the selection process to unearth "cause" to remove particular jurors. Lawyers need peremptories to vigorously exercise this right, the argument goes, lest they offend a juror for whom no provable grounds exist for a "for cause" dismissal. Our response to this is that "for cause" dismissals should be limited; jurors should not have to recuse themselves by different criteria than do judges. If "for cause" challenges are restricted, the prophylactic argument for peremptories collapses.

The Supreme Court has made clear that no constitutional right to peremptories exists: They are a relic of an imperfectly democratic past. At the Founding, we suspect, peremptories were exercised mainly as a polite way of dismissing folks with personal knowledge of the parties. In a homogeneous jury pool, peremptory challenges would rarely skew the demographics of the eventual jury. But to vindicate the Fifteenth and Nineteenth Amendments, we must close off attempts by lawyers to exploit race and gender in jury selection in a way that deprives some citizens of their right to participate as democratic equals.

Jury pay. We should pay jurors for their time. Payment at a fair, flat rate will permit a broad cross section of society to serve. Our analogy to a bicameral legislature suggests that payment is appropriate, for judges and legislators are paid for their time. To decline to compensate citizens for their sacrifice—or to pay them a token $5 per day as is done in many California courts—is in effect to impose a functionally regressive poll tax that penalizes the working poor who want to serve on juries, but who cannot afford the loss of a week's pay. Payment should come from the government, not private employers. All jurors are equal as jurors, and should be paid equally: One person, one vote, one paycheck.

III. Restore the notion of duty

Jury service is not only a right, but also a duty. Few of us have militantly insisted that we perform this obligation, just as few of us insisted in the last 30 years that we pay our fair share of the intergenerational tax burden. The *Economist* reports that half of all Californians called for jury duty in the state's criminal courts ignore the summons. Citizens should not escape so easily.

Few exemptions. Exemptions from service should be extremely limited: If you are the brother-in-law of the plaintiff, you may be excused; but you may not be excused merely because you happen to read the newspaper or work in a profession. The idea of the jury is rooted in equality; just as all defendants are treated equally before the law, all jurors have equal claims as well as obligations to play a part in the administration of justice. This measure would expand the size of the jury pool, enforce the universality of required service, and raise the average education level of juries.

Yearly service. The Swiss defend their country with a citizen militia that regularly requires a citizen to serve a periodic stint of active service. Similarly, we should ask each citizen to devote, say, one week a year to jury service, depending on the needs of his or her jurisdiction. Each citizen could register in advance for the week that is most convenient, and except for genuine emergencies, citizens should then be obliged to serve when their turn comes. Courts should be willing to provide professional day care or day-care vouchers to enable homemakers to take their turns in this project in collective self-governance.

Enforcing the duty. And how should this obligation be enforced? Progressive fines are probably the best option. If you miss your week, you should pay two weeks' salary. (Flat fines, by contrast, would be functionally regressive and create incentives for highly paid citizens to dodge service.) If for some reason fines didn't work, perhaps we could consider a more radical recoupling of jury service with voting: If you want to opt out of the responsibilities of collective self-government, fine—but you may not then exercise any of its rights. You may choose to be a citizen, with democratic rights and duties, or a subject, ruled by others. On this view, you are not entitled to vote outside juries if you are unwilling to serve and vote inside juries. If you are not willing to engage in regular focused deliberation with a random cross section of fellow voters, you should not be governing the polity, just as you may not vote in the Iowa presidential caucuses unless you attend and hear the arguments of your peers.

Serial jurors. Each jury, once constituted, should be able to try several cases in a row. If you can hear four quick cases in your week a year, so much the better. The grand jury reviews more that one indictment, the judge sits on more than one case, and the legislature may decide more than one issue in a session. The quality of deliberations is likely to improve with practice. The burden of jury service will be more evenly distributed—one week for everyone—and more trials can take place if we get rid of all the wasteful preliminaries like elaborate jury questioning and

Over the years, the professionals of the court have conspired to strip jurors of their ability to evaluate the facts.

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peremptories. Indeed, perhaps a jury should hear both civil and criminal cases in its week. One week a year will not turn citizens into government bureaucrats, though it will give them regular practice in the art of deliberation and self-government.

IV. Free jurors to do their jobs

Juries today are often criticized for reaching foolish decisions. But it's not all their fault. Nothing is more important to fulfilling the democratic aims of jury service—including just

outcomes—than active participation by the jurors. Over the years, the court professionals have conspired to strip jurors of their ability to evaluate the facts. Running the courtroom to maximize their own convenience, they have often slighted the jury's legitimate needs to understand its role, the law, and the facts. The bicameral analogy is instructive: Would we expect the House of Representatives to perform its duties competently if its access to information and ideas were entirely determined by the Senate?

Taking notes. Many judges do not allow jurors to take notes. This is idiocy. Judges take notes, grand jurors take notes, legislators take notes—what's going on here? This prohibition is based on the misguided beliefs that note-taking distracts jurors from the testimony and that deliberation would be unfairly dominated by jurors with extensive records. Neither fear outweighs the benefit of giving jurors the means to highlight key evidence and keep track of their impressions, particularly in long trials.

Plain-English instructions. Judges should give the panel, at the *outset* of a case, the basic elements of the charged offenses—in English, not legalese—so jurors can consider them and check them off in their notebooks as the trial unfolds.

Questioning of witnesses. Jurors should be allowed to question witnesses by passing queries to the judge. This allows jurors to pierce the selective presentation of facts offered by counsel, and it also keeps jurors more attentive to proceedings. Best of all, it would expose any lingering confusion about testimony in the minds of the jurors, giving prosecutors and defense counsel the chance to address these concerns. Consider, for example, the possibility that each of the jurors in the O.J. Simpson trial had a different pet theory of police conspiracy. If each juror could submit questions, prosecutors would have had an opportunity to understand, address, and debunk many of these mutually inconsistent and factually insupportable theories.

Discussion among jurors prior to deliberation. A ban on such discussion assumes that jurors are superhumanly capable of suspending all judgment for days or weeks and that conversation can only contaminate their faculties. Common sense suggests that it is human nature to form provisional judgments; at least by discussing a case prior to deliberation, jurors can test each other's impressions of the evidence and begin to hone their understandings of key points before these points are lost in the rush of the proceedings. Such a reform must, of course, be accompanied by reminders from the judge that jurors may not reach final conclusions about guilt or innocence until they have heard all the evidence.

Support staff. We should allow juries to hire support staff when it is necessary. In a world of increasing complexity and specialization of labor, few can do an important job well without such help. If legislators and judges can have staffs, why not grand juries? We trivialize jurors when we insist that they alone remain trapped in the 18th-century world of generalists. Perhaps every court should hire a permanent staff with undivided loyalty to the jury itself, and subject to "term limits" to prevent the staff from entrenching itself and using the jury to advance its own agenda.

V. Avoid hung juries

When hung juries occur, mistrials waste the time and resources of all concerned. They even harm defendants in cases where the jury was leaning toward acquittal, because a mistrial allows a vindictive prosecutor a second bite at the apple. All this brings us to another controversial—and we admit extremely tentative—suggestion. Perhaps, just perhaps, we should move, even in criminal cases, away from unanimity toward majority or supermajority rule on juries. Founding history is relatively clear—a criminal jury had to be unanimous. But this clear understanding was not explicitly inscribed into the Constitution, and the modern Supreme Court has upheld state rules permitting convictions on 10-2 votes. (England today also permits 10-2 verdicts in criminal cases.)

Three arguments support our suggestion that nonunanimous verdicts should be upheld. First, at the Founding unanimity may have drawn its strength from certain metaphysical and religious ideas about Truth that are no longer plausible: to wit, that all real truths would

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command universal assent. Second, most of our analogies tug toward majority rule—used by legislatures, appellate benches, voters, and grand juries—or supermajority rule: In impeachment proceedings, for example, a two-thirds vote in the Senate is required for conviction.

Last, and most important, all our other suggestions lead the modern American jury system away from its historical reliance on unanimity. At the founding of our nation, unanimity *within* a jury was nestled in a cluster of other rules that now must fall. In early days, blacks, women, the poor, and the young were excluded from voting and jury service. Peremptory challenges probably made juries even more homogenous. But now that all adult citizens may serve on juries, and we have eliminated all the old undemocratic barriers, preserving unanimity might also be undemocratic, for it would create an extreme minority veto unknown to the Founders.

Even at the Founding, unanimous jury verdicts may have existed in the shadow of a custom of majority or supermajority rule. Jurors would discuss the case and vote on guilt; and even if the minority were unconvinced about the verdict, they would in the end vote with the majority after they had been persuaded that the majority had listened to their arguments in good faith. This custom bears some resemblance to legislative "unanimous consent" rules. A single lawmaker may often slow down proceedings—force her colleagues to deliberate more carefully on something that matters to her—but in the end she may not prevent the majority from implementing its judgment. Perhaps the same should hold true for juries.

In allowing juries to depart from unanimity, we must try to preserve the ideal of jury deliberation and self-education. Jurors should communicate with each other seriously and with respect. Fans of unanimity argue that it promotes serious deliberation—everyone's vote is necessary, so everyone is seriously listened to. But unanimity cannot guarantee *mutual* tolerance: What about an eccentric holdout who refuses to listen to, or even try to persuade, others?

Nonunanimous schemes can be devised to promote serious discussion. Jurors should be told that their job is to communicate with others who have different ideas, views, and backgrounds. Judges could also advise jurors that their early deliberations should focus on the evidence and not jurors' tentative leanings or votes, and that they should take no straw polls until each juror has had a chance to talk about the evidence on both sides.

We suggest a scheme in which a jury must be unanimous to convict on the first day of deliberations, but on day two, 11-1 would suffice; on day three, 10-2; and so on, until we hit our bedrock limit of, say, two-thirds (for conviction) or simple majority (for acquittal).

VI. Educate the People

Once we start thinking about the jury from the perspective of democracy rather than adjudication—from the viewpoint of the citizenry rather than the litigants—other possibilities open up. Recall Tocqueville's description of the jury as a "free school . . . always open" to educate the people in citizenship. If this is the big idea, why not take advantage of new video technology to advance it? Think of how C-SPAN broadcasts of legislative debates and hearings have contributed to the education of the public. The courts could likewise tape jury deliberations for use as high-school teaching materials about democracy in action (perhaps delaying the release of sensitive cases). Of course, we would have to ensure that these records would not be used to impeach jury verdicts.

Let the Changes Begin

The vision we have sketched is a demanding one. Yet many states are already taking up the challenge, enacting reforms by statute or by court policy. The court system of New York state is mulling over reforms to make the experience of serving more efficient and convenient for citizens, and many states already have a one-day, one-trial policy. New Jersey and New York last year joined the 25 or so states that eliminate exemptions based on profession. Arizona is the leader in endorsing proposals, such as note-taking and questioning witnesses, to increase jurors' participation in the process. Oregon and Louisiana allow nonunanimous verdicts in some cases, and Arizona allows a jury to ask the lawyers to explain evidence again if it has reached an impasse in deliberations.

But much more needs to be done. Until America's state and federal judicial systems live up to the ideals embedded in their founding documents and learn to trust the capacity of ordinary citizens to dispense justice, a cornerstone of democracy will continue to crumble.

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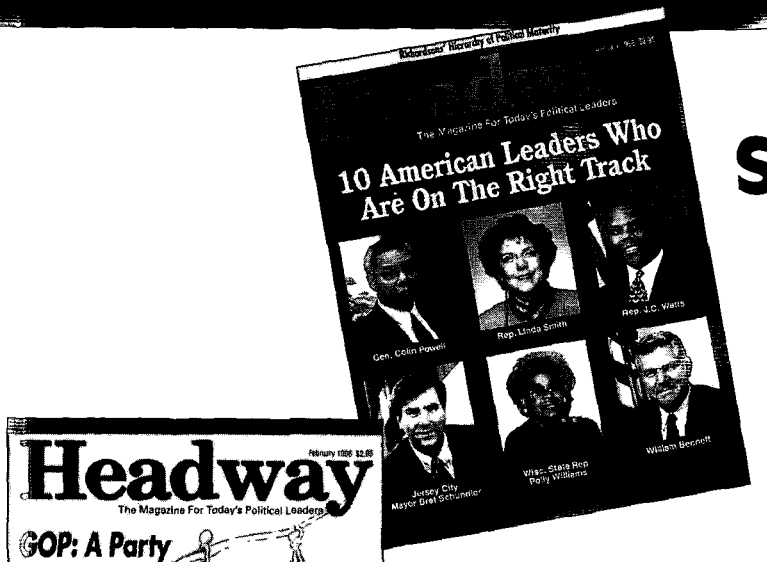
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Muchas Gracias,

By John J. Miller

School superintendent Thomas J. Doluisio was puzzled. His Bethlehem, Pennsylvania, district had an elaborate program of Spanish-language classes for its large population of Spanish-speaking children. Proponents of bilingual education said this would help Hispanic children adjust when they moved on to English-only classes—which they were supposed to do after three years. But it wasn't working. Hispanic students lagged behind their peers in test scores, reading levels, and graduation rates.

"Our college-track courses were lily-white," Doluisio says. "Our remedial classes were filled with Puerto Rican kids. And the ability to speak English explained most of the difference."

What went wrong?

Doluisio found out in a 1992 meeting with his district's elementary-school principals. The short answer: seven years. That's how long it was taking a typical student in the bilingual program to move into regular classes taught in English. Bethlehem had effectively established an English-second policy, thanks to educators who considered native-language training of primary importance.

"I was flabbergasted," Doluisio says. More than that, he was angry. And then he got busy.

Within a year, Doluisio led a stunning transformation of Bethlehem's language policy. His district became one of a handful in the country to reverse course on bilingual education. Today, Bethlehem's Spanish-speaking students are immersed in English-speaking classrooms, where they hear almost nothing but English. The school district switched policies only after a bitter struggle had divided the community along racial and ethnic lines. But thanks to Doluisio's leadership, the benefits of English immersion are starting to show, and the naysayers are starting to change their minds. Today, Bethlehem provides a stirring example of how other school districts can challenge the bilingual-education orthodoxy—and win.

Photo by Young Hong

Thomas Doluisio takes on the bilingual-education establishment.

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Mr. Doluisio

Latino parents in Bethlehem, Pennsylvania, thank a school superintendent for giving their kids a chance to learn English.

Since 1968, the federal government has spent nearly $4 billion on bilingual education. In 1995 alone, it spent $206 million. (President Clinton wanted to increase the annual appropriation to $300 million, but was halted by the budget crunch and House Republicans.) But federal money has been less important than federal power to the consolidation of bilingual education. During the 1970s and 1980s, bureaucrats in the U.S. Department of Education coerced hundreds of school districts around the country into adopting native-language instruction for their non-English-speaking students. They based their tactics on a 1974 Supreme Court decision that established a constitutional right for non-English-speaking children to receive some sort of special language assistance.

The Court did not prescribe a particular pedagogical approach, but its federal enforcers did. Through a confusing array of regulations, court orders, and consent decrees, they insisted that school districts provide a curriculum with a heavy emphasis on the students' native tongues. In this political climate, Bethlehem's program was born.

The Bethlehem Area School District, serving 13,000 children, is Pennsylvania's fifth-largest. About 10 percent of its students cannot speak English well, and of these, 86 percent speak Spanish in their homes. Most of these children are Puerto Rican, but immigrants from Central and South America make up a growing part of the Spanish-speaking population.

Before the 1993-94 school year, Bethlehem was fully committed to bilingual education and its goal of teaching students in their native language before they moved into regular classrooms. English-speakers and immigrant children who didn't speak Spanish attended their neighborhood schools. But the school district essentially segregated its Spanish-speaking students, busing them to two elementary schools. There was little time for English at these segregated schools. Spanish was the language of the classroom, the lunchroom, and the playground.

Most bilingual educators say that native-language instruction is the surest road to English fluency, since it makes for an easier transition. But Doluisio believes this defies common sense. "You can't teach kids how to swim by giving them a lecture at the side of the pool," he says. "They've got to get wet, and maybe even take in a little bit of water. Our job as educators is to keep them afloat, to make sure they don't go under."

After learning about bilingual education's dismal exit rates in Bethlehem, Doluisio began to investigate the program more intently. He quickly uncovered more outrages. "There were kindergartners—five-year-olds who were at the perfect age to start learning a new language—who did not hear a single word of English all day long," says Doluisio. "I probably should have known that this sort of thing was going on, but nobody told me. I had to discover it for myself."

The more he learned, the less he liked. "I really believe in my heart that we were hurting these kids," he says. "I started to see a connection between bilingual education and Latino dropout rates. Not a total connection, to be sure. But definitely a connection."

As soon as Doluisio decided that bilingual education was a problem, he set out to find a solution. He asked the district's bilingual-education director to assemble a committee to study the issue. But the majority of its members were

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advocates of the status quo. When it reported back to the school board in the fall of 1992, the committee said that the bilingual program was healthy and even suggested expanding it. Doluisio flew into a rage. "For the first time in my career, I rejected a report that had come out of my own administration," he says.

The superintendent launched a personal crusade against complacency. He studied the literature on bilingual education carefully. "I soon learned that in this field you can find research to back up just about any political point you want to make," he says, "especially if you support bilingual education." But some of the scholarship raised significant doubts.

Rosalie Pedalino Porter's scathing expose, *Forked Tongue: The Politics of Bilingual Education* (1990), particularly influenced him. In this book, Porter draws upon her 15 years of experience as a bilingual-education teacher and administrator in Massachusetts. "I came to feel that I was going about things the wrong way around, as if I were deliberately holding back the learning of English," she writes. Porter is a strong proponent of "time on task," the idea that the amount of time spent learning something is the best predictor of educational achievement. In other words, students must practice English constantly if they are to learn it well. "Nothing in my 15 years in this field—from first-hand classroom experience to concentrated research—has begun to convince me that delaying instruction in English for several years will lead to *better* learning of English and to a greater ability to study subject matter taught in English," writes Porter, who now heads the READ Institute in Amherst, Massachusetts.

Doluisio examined this and other research, and decided that Bethlehem's language policy needed a complete overhaul. He convinced the school board to schedule a series of public meetings devoted to bilingual education—and to discuss its possible repeal. Community interest was so great that the board had to hold its gatherings in the Liberty High School auditorium, the district's largest.

The issue immediately split along ethnic lines. Many Latino parents felt that the removal of bilingual education would jeopardize their children's education. Some of Doluisio's supporters undercut him when they stepped up to the microphone and made derogatory comments about Puerto Ricans. "These meetings were very heated," Doluisio recalls. "They were very emotional. I had to have cops in the back of the room to make sure that there was no trouble." At one point, a group of Latino activists physically surrounded the school board and, led by a priest from out of town, engaged in a prayer to save Bethlehem's bilingual-education program.

The Pennsylvania Department of Education also frowned on Doluisio's efforts. Myrna Delgado, the state's bilingual-education coordinator, urged the school board to vote against the superintendent.

The rancor of the hearings weighed heavily on Doluisio, especially the ugly way in which race and ethnicity intruded. It appeared that all the Latinos were on one side, all the Anglos on the other. "This was an extremely unpleasant time for me, and for everybody," says Doluisio.

The school board resolved that all language-minority students in the district become fluent in English in the shortest amount of time possible.

About midway through the controversy, however, a group of sympathetic Hispanic parents contacted him. They were professionals, led by Luis A. Ramos of Pennsylvania Power and Light. "We hoped to make it clear that Latinos want their children to learn English, and that the superintendent was heading in the right direction," says Ramos, whose two children have attended Bethlehem schools. "Their support really gave me the courage to forge ahead," says Doluisio.

In February 1993, the school board voted to abolish bilingual education and adopt a district-wide plan for English immersion. The board clearly stated its goal that "all language-minority students in the district become fluent in the English language in the shortest amount of time possible to maximize their opportunity to succeed in school." All students, including Spanish-speaking children, would attend neighborhood schools, and students who required special help would receive instruction in English as a Second Language (ESL) several times a week. Spanish-speaking kids would spend the bulk of their time in regular classrooms listening to teachers who, in most cases, spoke virtually no Spanish. "It was our belief that if the Chinese and Russian kids could do well in a regular classroom without bilingual education, then so could the Spanish-speakers," says Rebecca Bartholomew, the principal of Lincoln Elementary.

Lincoln was one of several schools that suddenly had to confront a sizable population of students who did not speak English very well. The school board insisted that the immersion program be in place by the following September, leaving just seven months to implement a completely new plan for teaching children with lim-

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ited English skills. The move upset bilingual teachers, who believed wholeheartedly in the theory of native-language maintenance.

But immersion met with resistance from non-bilingual teachers as well. They were accustomed to dealing with children who would understand their most basic instructions. "In the first week of the new program, we had homeroom teachers who would tell their class to line up, and half the class wouldn't understand," says Ann Goldberg, who runs the immersion program for Bethlehem. "It was really tough going at first."

"A lot of regular classroom teachers felt really incompetent, since the switch to immersion was so rapid and so complete," said Carole Schachter, an ESL teacher who had previously taught in the bilingual program. "They could barely communicate with many of their students," she said. A number of teachers remain critical of the switch and of Doluisio, but they prefer anonymity. The school district will publish its first academic evaluation of the program this summer, and the results are sure to be watched closely by educators both inside and outside of Bethlehem.

Hispanic parents are gradually beginning to approve of the new policy. One who likes the switch to English immersion is Margarita Rivas. A native of Puerto Rico, she was concerned at first that her four children would not succeed in school if they did not hear much Spanish. But then she changed her mind. "It's very important that they know how to speak English well in this country," she says. "Now they speak English better than Spanish, and they are helping me and my husband improve our English."

After the immersion program had been in place for one year, Bethlehem surveyed the parents of its Spanish-speaking students. The forms went out in two languages, since many of the parents speak no English. The results were remarkably positive. Eighty-one percent of the respondents said that their children had "progressed well academically" in the English-immersion setting. Only 7 percent said that they "did not make progress." Another 82 percent rated the new program as "good" or "very good," 12 percent called it "adequate" or "satisfactory," and only 1 percent deemed it "poor."

The approval ratings appear to remain high today. "My daughter is getting a good education here," Sayda Castaneda, an immigrant from Honduras, says through a translator. "I don't want my daughter to forget her first language, but English is spoken in the United States."

The teachers have started to come around as well. "I was against immersion in the beginning, but I'm not nearly as critical now," says Jean Walker, a 4th-grade teacher who has taught in Bethlehem schools for 24 years. "I didn't think I'd be able to communicate, but these kids learned English faster than I thought they would. I like immersion now. It's not perfect, but I like it," she says. A survey shows that Walker is not alone—62 percent of Bethlehem teachers say that students were making "substantial progress" in learning English after being in the program for one year. Only 13 percent said students made "little" or "no" progress.

Rita Hatton, a Cuban-born teacher with 20 years' experience in Bethlehem, still has some reservations about immersion. A veteran of the bilingual program and now an ESL teacher at Freemansburg Elementary, she worries that her children will lose their Spanish fluency. But she also sees rapid gains among her students learning English. "At the start of the school year, some of them only spoke two or three words of English," she says. "Now they can speak it, read it, and write it pretty well." In fact, English is by far the predominant language in her classroom. Donna West, an ESL teacher, came to Bethlehem after it adopted the immersion program, but she had taught previously for six years in a Brownsville, Texas, bilingual program. "I like the immersion model much better," she says. "In Brownsville, the kids simply weren't becoming proficient in English. They started a lot of kids in Spanish, but they need English when they're young."

Doluisio was officially condemned at the 1994 convention of the National Association for Bilingual Education. His detractors accuse him of being driven by politics, even of riding a tide of anti-immigrant sentiment. He says his goal is to help immigrants succeed by raising expectations for their performance. "For years we expected our Latino kids to learn differently. We didn't think they could cut it in mainstream classes with the native English speakers or the kids from Asia or Poland," says Doluisio. "The results were like a self-fulfilling prophecy. Today we're saying that Latino kids are just as capable as any other group of students."

Eighty-one percent of Latino parents said their children had "progressed well academically" in the English-immersion setting.

John J. Miller, a Bradley Fellow at The Heritage Foundation, is writing a book on immigration issues. He is the vice president of the Center for Equal Opportunity in Washington, D.C.

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Profits *with Honor*

By Michael Novak

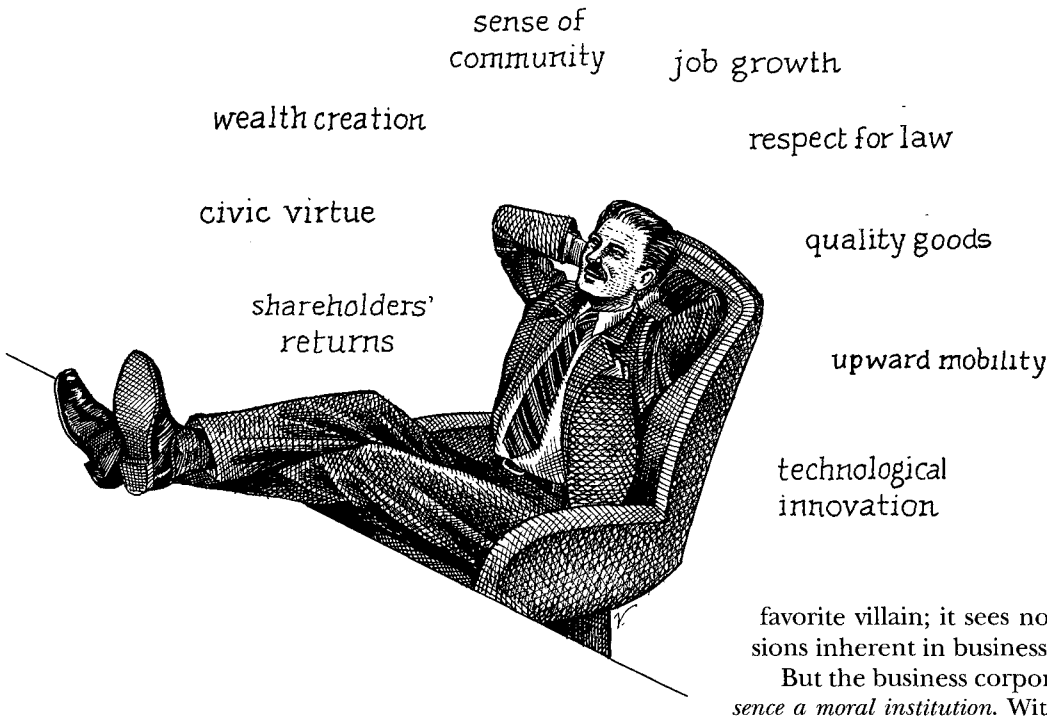

Illustration by Gary Viscupic

Election-year politics and widespread anxiety about economic security have recently prompted fierce public discussion of the "social responsibilities" of business. The debate has often been dominated by caricatures of business leaders callously ordering layoffs while earning unjustifiably high pay. Some seek to define "responsibility" as an ethical obligation owed not to the owners of an enterprise, but to its "stakeholders," including employees and their families, customers, and all citizens of this country.

We have not developed a very sophisticated understanding of business as a *moral calling*. Many people educated in the humanities and the social sciences are *uncritically* anti-capitalist, and think of business as vulgar, philistine, and morally suspect. Popular culture treats big business as its favorite villain; it sees no ethical dimensions inherent in business activities.

But the business corporation is *in its essence a moral institution*. Within this institution it is possible to act either morally or immorally, and by its own internal logic and inherent moral drive, business *requires* moral conduct. Other moral obligations fall upon it through the moral and religious commitments of its members. Thus, those who labor within the business corporation have many moral responsibilities and a richly various moral agenda.

It may help to divide these responsibilities into two different sets. The second set will easily be recognized as "ethics," since the source of its authority comes from outside business—from religious conviction, moral traditions, humane principles, and human-rights commitments.

The first set consists of the moral requirements necessary for business success. These are the virtues necessary for building a good business. These are not always recognized as ethical in their own right. One way to see that they are ethical is to ask yourself what happens when they are violated. If you think earning a profit is a morally neutral rather than morally good way to acquit a responsibility, would you hold that deliberately running losses is ethical—particularly if it's with someone else's money? Too many analysts neglect a basic point: Simply to succeed in busi-

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The mania over "corporate responsibility" ignores the moral requirements that produce both successful businesses and a successful democracy.

ness imposes remarkable moral responsibilities.

The business corporation is not a church, not a state, not a welfare agency, not a family. A corporation is an economic association with specific and limited functions. The primary moral duty of business is to fulfill responsibilities that arise from its own nature, moral ideals inherent in business as business.

Seven Internal Responsibilities

There are at least seven such corporate responsibilities. I call these *internal* responsibilities, because a business must fulfill them simply for it to be a success at what it was founded to do.

1. **To satisfy customers with goods and services of real value.** This virtue is not so easy to practice as it seems. Some three out of five new businesses fail—perhaps because the conception their founders have concerning how to serve the customer is not sufficiently realistic, either in its conception or in its execution. Like other acts of freedom, launching a new business is in the beginning an act of faith; one has to trust one's instincts and vision, and hope that these are well enough grounded to build success. It is the customers who, in the end, decide. One set of responsibilities assumed by a business is to its customers. These responsibilities have moral content.

2. **To make a reasonable return on the funds entrusted to the business corporation by its investors.** It is more practical to think of this responsibility in the second place rather than in the first, where some writers place it, because only if the first is satisfied will the second be met. Milton Friedman has made the classic case for this fundamental social responsibility. I agree with him in stressing how basic it is, but would place it also in the context of other responsibilities. Friedman's classic statement is:

"The view has been gaining widespread acceptance that corporate officials and labor leaders have a 'social responsibility' that goes beyond serving the interest of their stockholders or their members. This view shows a fundamental misconception of the character and nature of a free economy. In such an economy, there is one and only one social responsibility of business—to use its resources and engage in activities designed to increase its profits so long as it stays within the rules of the game, which is to say, engages in open and free competition, without deception or fraud. Similarly, the 'social responsibility' of labor leaders is to serve the interests of the members of their unions. It is the responsibility of the rest of us to establish a framework of law such that an individual in pursuing his own interest is, to quote Adam Smith again, 'led by an invisible hand to promote an end which was no part of his intention. Nor is it always the worse for the society that it was no part of it. By pursuing his own interest, he frequently promotes that of the society more effectually than when he really intends to promote it. I have never known much good done by those who affected to trade for the public good.' Few trends could so thoroughly undermine the very foundations of our free society as the acceptance by corporate officials of a social responsibility other than to make as much money for their stockholders as possible. This is a fundamentally subversive doctrine."

Note that Friedman's own definition includes a fairly extensive range of moral responsibilities, such as maintaining open and free competition, establishing a framework for the rule of law, avoiding deception and fraud, and exemplifying fair play within the rules of the game. This is altogether no small moral agenda.

So, again, it turns out that even a narrow conception of the purposes of business includes a high level of moral performance found in only a few cultures. In most others, moral laxity and corruption of one sort or another are rife.

3. **To create new wealth.** This is no small responsibility. If the business corporation does not meet it, who else in society will?

Probably more than a third of working Americans receive their salaries from nonprofit institutions, which themselves receive their funding from the benefactions of others. These in the end usually derive from the wealth created by business corporations. Robert Goizueta, the chairman and C.E.O. of Coca-Cola, puts this very well:

"[Given that] billions of shares of publicly-held companies are owned by foundations, universities, and the like, one should never forget the multiplier effect in the world of philanthropy, and the benefit to society, that each dol-

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lar increase in the value of those shares brings about. If a foundation owns, let's say, 50 million shares of Coca-Cola stock, for each dollar that our stock price increases, that foundation will be required to give out an additional $2.5 million."

From this new wealth, too, firms pay a return to investors (in addition to protecting their principal). From this new wealth, provision must also be made for the future, including a fund to underwrite all those failed projects that are certain to happen along the way.

If a company is not creating new wealth, it is spinning its wheels or going into debt or consuming its seed corn; such processes are self-destructive.

Finally, the steady, incremental creation of new wealth is the road to what Adam Smith called "universal opulence." He defined that as the condition in which the real wages of workers keep growing over time, until the poor live at a level that in 1776 even kings and dukes did not enjoy.

4. **To create new jobs.** It is better to teach a man how to fish than to give him a fish, and in the same way it is far better to generate enough jobs for all willing citizens rather than to provide government grants that keep them permanently dependent, in the condition of serfs.

The creation of opportunity is one of the great social responsibilities for which democracies look to business corporations, especially to new entrants into the field. The rate of small business formation is usually a very good index of the general health of society—not only its economic health but also its morale, hopefulness, and spirit of generosity toward others.

It is far better to generate enough jobs for all willing citizens than to provide government grants that keep them permanently dependent.

When economic horizons close down and large masses of people are unemployed, divisive and self-destructive passions such as envy, leveling, and *ressentiment* fester and multiply. In Latin America, for example, where there are nearly 110 million people 15 years old and under, cohort after cohort of youngsters enter the labor force with every year that passes, looking for employment, but with little employment to be found. In the future, surely there will be fewer agricultural workers in Latin America and perhaps even fewer working in large industrial factories. Unless there is a rapid expansion of the small-business sector, with firms employing from two or three to 100 workers, it is not easy to see how economic health will come to Latin America.

You cannot create employees without creating employers. Like other societies, Latin America will have to look to its small-business sector for any realistic hope of liberating the poor.

Anyone who has enough imagination to generate new jobs should do so.

5. **To defeat envy through generating upward mobility and putting empirical ground under the conviction that hard work and talent are fairly rewarded.** The Founders of the American republic recognized that most other republics in history had failed and that the reason they failed was envy: the envy of one faction for another, one family for another, one clan for another, or of the poor toward the rich. Envy is so pervasive among the human race that in the Ten Commandments, under the name "covetousness," God forbade it seven times. If a republic is to have a long life, it must defeat envy.

The best way to do this is to generate economic growth through as many diverse industries and economic initiatives as possible, so that every family has the realistic possibility of seeing its economic condition improve within the next three or four years. Poor families do not ask for paradise, but they do want to see tangible signs of improvement over time. When such horizons are open, people do not compare their condition with that of their neighbors; rather, they compare their own position today with where they hope to be in three or four years. They give no ground to envy.

A realistic hope of a better future is essential to the poor, and this hope is made realistic only through the provision of universal chances for upward mobility. Only then can people see that hard work, goodwill, ingenuity, and talent pay off. When people lose their faith in this possibility, cynicism soon follows.

For such reasons, a dynamic economy is a necessary (although not sufficient) condition for the survival and success of democracy. If they do not see real improvement in their economic conditions, people in the formerly communist countries of Central Europe, for example, are not likely to be satisfied merely with the opportunity to vote every two years.

Businesses should avoid fomenting envy; they can do so by supplying employees with opportunities and incentives. In addition, people in business should avoid some things that are otherwise innocent in themselves. Conspicuous privilege, ostentation, and other forms of behavior, even when not necessarily wrong, typically provoke envy. Unusually large salaries or bonuses, even if

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justified by competition in a free and open market (since high talent of certain kinds is extremely rare), may offer demagogues fertile ground on which to scatter the seeds of envy. It is wise to take precautions against these eventualities.

6. To promote invention, ingenuity, and in general, "progress in the arts and useful sciences" (Article I, Section 8, U.S. Constitution). The root of the word "capitalism" is *caput*, Latin for "head": the human mind, human invention, human enterprise. Pope John Paul II puts it well: "Indeed, besides the earth, man's principal resource is *man himself*." And again: "Today the decisive factor is increasingly *man himself*; that is, his knowledge, especially his scientific knowledge, his capacity for interrelated and compact organization, as well as his ability to perceive the needs of others, and to satisfy them." The great social matrix of such invention, discovery, and ingenuity is the business corporation.

The Constitution gives an incentive to discover new practical ideas and to bring them to the service of one's neighbors. Perhaps no other practical device in history has so revolutionized the daily conditions of life. It has brought about a higher level of the common good than any people ever experienced before.

Creativity is a cardinal virtue of business life. Firms that blunt the creative edge of their employees violate the image of God in them—and stultify themselves.

7. To diversify the interests of the republic. One of the least observed functions of the business corporation is to concretize the economic loyalties of citizens and to sort out their practical knowledge into diverse sectors of life. The interests of road builders are not those of canal builders, or of builders of railroads, or of airline companies. The sheer dynamism of economic invention makes far less probable the coalescing of a simple majority, which could act as a tyrant to minorities.

The economic interests of some citizens are, in an important sense, at cross-purposes with the economic interests of others, and this is crucial to preventing the tyranny of a majority. In cities, towns, and states, accordingly, it is wise for civic leaders to promote a healthy diversity of business interests. It is also sound practice for business leaders to urge their employees to be as entrepreneurial as possible, even if they end up going into business for themselves. Such events are signs of business as well as social health.

Seven External Responsibilities

All seven of these economic responsibilities need to be met by a nation's business corporations. All seven are crucial to the health of the state and, more important, to the health of civil society, which is the master of social reality.

But there are also other responsibilities, inherent not so much to business qua business as in the convictions of its practitioners.

Romano Guardini once wrote that you should be able to tell a Catholic even from the way he climbs a tree. He meant that the cult of the Catholic church, like that of all other great religions, is culture-forming. The liturgy is intended to inspire a distinctive style of life. *To labor is to pray.* Our callings in the world are intended to be, in the doing of them, ways of praying. It is not so much that we should pray as we work as that we should intend our work as a wordless prayer.

Business leaders can avoid fomenting envy by giving employees opportunities and incentives.

Therefore, while the business corporation has a set of inherent responsibilities, proper to itself, these do not exhaust the responsibilities of Christians or Jews or other religious believers whose vocation calls them to the business world.

Without intending to be exhaustive, and in a kind of shorthand, one might discern seven further sets of moral responsibilities proper to the business worker as Christian or Jew. (In most matters affecting business, it turns out, the biblical imperatives weighing on Jews and Christians are similar.) I have taken pains to state them in a way that shows their relevance to business and makes them analogously compelling to those who are not Jewish or Christian. In this second set of responsibilities, as in the first set, I list but seven:

1. To establish within the firm a sense of community and respect for the dignity of persons, thus shaping within the firm a culture that fosters the three cardinal virtues of business—creativity, community, and practical realism—as well as other virtues. This also means fostering respect for the standards, discipline, motivation, and teamwork that bring out the best in people, encourage their moral and intellectual growth, and help them gain a sense of high achievement and personal fulfillment.

As Ellen Marram, president of Seagram's Beverage Group, says: "While growing one's business is important, I think it's equally important to grow one's employees. Many of the people I've worked with in the past have gone on to run other divisions and companies, and I feel

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good about any contribution I may have made to their learning and development. It's a role I take seriously."

2. To protect the political soil of liberty. Since free business corporations are permitted to operate freely only in a minority of countries on earth, those involved in business must come to see how fragile their activities are; they can be crushed by war, revolution, tyranny, and anarchy. Most people today, like most others in history, have suffered from such devastations. Many individuals have rarely experienced the peace, stability, and institutional environment that supports the daily activities and long-term hopes of business. Some have never experienced them.

Businesses are plants that do not grow in just any soil; they depend on specific sorts of political environments. People in business therefore have a responsibility to be watchful over their political society, even as a matter of survival. It is no accident that they love liberty as ardently as any others in history and, indeed, have often been forerunners of free societies.

Since the survival of business depends on the survival of free institutions, the responsibilities of people in business include the need to build majorities well informed about the principles of the free society.

A look at the top 20 percent of American society—its elite, defined in terms of income, education, and status (professionals, managers, the self-employed)—shows that our elite is roughly divided into two parts. Call one part the "Old Elite," whose income and status depend on the expansion of the private sector, particularly the business sector. Describe as the "New Class" those who see their own income, power, and status as dependent on the expansion of the state. These two rivals vie for the allegiance of a democratic majority.

A society simultaneously democratic and capitalist benefits when these two perennial rivals are of roughly equal strength, so that the free political system and the free economic system are in healthy equilibrium. (Given the tendency of the state to amass power and even coercive force, however, a society is probably closer to healthy equilibrium when at least a slight majority favors economic liberty.)

Businesses should encourage their employees, retirees, and shareholders to take political ideas and policy issues seriously, to participate in electoral campaigns, and to vote.

3. To exemplify respect for law. Business cannot survive without the rule of law. Long-term contracts depend for their fulfillment on respect for law. In America, we often take the rule of law for granted and barely appreciate how fragile it may be. Hardly any other institution is so much at risk as the business corporation, and hardly any is so dependent on the reliability, speed, and efficiency of the daily operation of the rule of law. Thus it is doubly scandalous for people in business to break the law. It is wrong in itself, and it is also suicidal, since to the extent that the law falls into disrespect, the life of corporations is rendered insecure, if not impossible.

4. Social justice. Friedrich Hayek pointed out that as most people use it, the term *social justice* is incoherent. They say they are talking about a "virtue" (a characteristic habit of a person), but then they describe a condition of society, for which no one person is responsible. By contrast, the virtue of social justice is a virtue highly important to business, in this way: Business is a crucial (perhaps *the* crucial) institution of civil society. Civil society (and business, too,) depends on the rule of law, on the one side, and on a potent set of moral and cultural institutions, on the other. For its own well-being and survival, business therefore depends on its personnel being active in civil society: in politics, the law, churches, the arts, charitable works, and other civic activities. That is why, businesses typically encourage their employees to practice social action, to volunteer for civic activities, and to be good citizens in the local community.

The essence of social justice is to look with the eyes of justice ("give to each his due") at the present condition of society; to reflect with others about what needs to be done to improve things; and to act with others in practical, effective ways to move toward that goal. In this sense, social justice has two aspects. First, it is a habit (disposition, inclination) inherent in individual persons, and thus truly the virtue of social justice. Second, its social character is shown in two ways: Its aim is to improve some aspect of society, and its characteristic form of action is to organize others, or at least to work jointly with others, toward that aim. In both respects, this virtue carries the self into involvement with others for the sake of the human city and is thus truly *social* justice.

If the law falls into disrespect, the life of corporations is rendered insecure, if not impossible.

Hayek himself was a great practitioner of this virtue. He dedicated himself to developing sound realistic ideas concerning the constitutions of the good society. He started many orga-

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nizations designed to improve society both by advancing sound ideals for society and by urging practical steps in the direction of those ideals.

It goes without saying that the first focus of employees and managers of a business might be how to make their company more humane ("Give each his due" as creator, person of dignity, and vital member of the corporate community). Like other forms of justice and love, social justice begins at home. Yet its ultimate focus is on the whole of the human city: a civilization based on freedom, justice, and mutual respect.

Businessmen not only allow their moral reputation to be sullied, but pay for the privilege.

5. **To communicate often and fully with their investors, shareholders, pensioners, customers, and employees.** A business firm represents ever-widening circles of people, and part of its civic responsibility (and much to its long-term advantage) is to keep all of them informed about its purposes, needs, risks, dangers, and opportunities. In a democratic society, the corporation needs the support of a great many citizens and is of itself—especially against the omnivorous administrative state of the late 20th century—exceedingly fragile.

This responsibility rests particularly on people of business in nondemocratic or newly democratic lands. In South Korea, Chile, Poland, the Czech Republic, and many other lands, it is crucial for business leaders not to neglect their responsibilities toward democracy. The same is true for American firms overseas.

6. **To contribute to making its own habitat, the surrounding society, a better place.** It is much to the advantage of the business firm that the republican experiment in self-government succeed. And this project of self-government requires an active private sector as an alternative to the state. The business firm therefore has a responsibility to become a leader in civil society. To this end, it should contribute to the good fortune of other mediating structures in the private sector, whether in areas such as education and the arts, healthful activities for youth, the environment, care for the elderly, new initiatives to meet the needs of the homeless and the poor, and other such activities. The business corporation cannot take primary responsibility in this area; it is not, in itself, a welfare organization. Nevertheless, it does well to nurture the networks of civil society and to strengthen those of its allies who provide an alternative to government.

During 1994, some 89 million U.S. citizens over the age of 18 dedicated an average of 4.5 hours per week to voluntary activity in such projects as these. It is a responsibility that business owes to the project of self-government—citizens doing for themselves, not relying on government—to encourage their own constituencies to participate in civil life.

Government is not the enemy of business or of citizens. On the other hand, historically it has been a fertile source of tyranny, corruption, the abuse of rights, and plain arrogance of power. The alternative to excessive reliance on the state is self-government: sustained and systematic voluntary activities. This capacity for self-government is precisely what "the republican experiment" of the United States is testing: Can it take the pressure—or must the nation relapse, like others, into statism?

7. **To protect the moral ecology of freedom.** In many countries, the media (especially television) are paid for and controlled by government. In fully free societies, commercial sponsors pay for television time. Although I am reluctant to propose that they should control (have a censor's power over) program content, such sponsors do control their own advertising—and they also have responsibility for the content their advertising budgets pay for. Most executives, it appears, have not accepted responsibility for the ecology of the television environment.

A visitor from a distant continent who looked at American television for a week might be amazed by its kaleidoscope of images, narratives, symbols, and assumptions about the nature of reality. These would also have shocked our great-grandparents; they often enough shock *us.*

One striking feature of advertising as well as of the surrounding prime-time and afternoon shows is their irreligiousness, their worldliness, their lack of any sense of eternal life. This aspect of television is far out of accord with the history of American culture. Recall the unself-conscious piety found in Civil War letters. It is also remarkably out of touch with the religious lives of most Americans today, who, when tragedy strikes, as well as success (football players kneeling down to express gratitude after completing a great play), turn first to God. The commercials—particularly the beer, automobile, and fragrance commercials—share in this aggressive worldliness (this virtual *anti*-religiousness) as much as the programs they accompany.

Yet this characteristic worldliness is tame compared to the aggressive, animal-like sexuality and brutal violence that form the lure of televi-

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sion's excitement and innuendo. By their products, the creators of the television world would seem to do their work with a constant leer. Naturally, the public is susceptible to this constant appeal to their prurient interests. It assaults us in our own homes, it is amiable, it is free, and part of our nature does respond to it—the least noble, most beastly part of our nature. We often consent to it even when cheapened by it. "Giving the public what it wants" is here no boasting matter. It is, in fact, a form of prostitution.

Even in announcing his retirement from the U.S. Senate, the sober and prudent Sam Nunn could not forebear issuing a stark challenge to corporate executives:

"Too many parents who are struggling to provide their children with basic needs have no way to protect them from street violence and drugs. If America is to remain the greatest country on earth, our children must come first. . . . Too many executives are spending too many corporate dollars paying for television programs that bombard our homes with sex and violence—not thinking or caring about the effect of this bombardment on our children and our nation's future.

"Too many of us as citizens sit by passively while this bombardment takes place.

"We are reaping the harvest from this combination of conditions in soaring rates of child abuse, drug abuse, teenage pregnancies, abortions, and unprecedented levels of crime and violence."

In the past, corporate executives thought their role in advertising and sponsorship to be quite limited. In fact, however, it is far more extensive than they thought. They are rightly being blamed for the ethos reflected through the television sets in the nation's homes.

It is shocking, for example, that in *Dallas,* the television series with the largest global audience during the 1980s, the most murderous, lying, double-dealing, cheating, wife-swapping cads on the show are usually businessmen, *and that this slander on the business community has been produced and paid for by business sponsors.* Businessmen are the first minority not only to allow their moral reputation to be systematically dragged through the mud every night but also to pay for the privilege.

A Moral Institution

All around the world, the major existing threat to free markets and democracy at the end of the 20th century springs from the systematic corruption of popular culture. Systemic moral decline undermines the capacity of peoples for self-government. This is why business is a morally serious calling and why women and men of virtue are needed to fulfill it.

Both democracy and capitalism depend on certain specific virtues, such as creativity, building community (civic spirit), and practical realism. Both regimes (political and economic) disdain the passivity imposed by socialism; both call forth spirited action. They depend on self-starters with a strong sense of personal responsibility and civic cooperation.

The private business corporation, then, is a necessary (but not sufficient) condition for the success of democracy. This insight is one of the crowning achievements of this nation's Founders. They reasoned that democracy would be safer if built upon the commercial and industrial classes than if built upon the military, aristocratic, priestly, or landed classes. Corporate executives have grave responsibilities: They ought, for example, to supervise their advertising departments far more rigorously than they now do, discerning whether their product weakens in the public mind the virtues on which the free society depends.

Traditional virtues—sustained by people of business in their private and public lives—are the muscles, ligaments, sinews of a free society.

The most important responsibility of the woman or man of business, however, is highly personal. "What does it profit a man if he gains the whole world and suffers the loss of his soul?" (Mark 8:36) The first concern of ethical reflection is how one's actions affect one's own soul.

Long ago, Aristotle pointed out that the proper focus of ethical reflection falls upon those actions that change our own nature—that establish in us a "second nature." Ethics itself is a calling: It calls us to change our way of life for the long term. It means grounding ourselves in new habits. It means building—slowly, patiently, deeply—our own character.

The business corporation has many responsibilities to the moral ecology of our nation, and especially to the culture of virtue. Traditional virtues—sustained by people of business in their private and public lives—are the muscles, ligaments, and sinews of the free society. Cut them, and you have paralyzed liberty.

Michael Novak, *the 1994 laureate of the Templeton Prize for Progress in Religion, holds the George Jewett chair in Religion and Public Policy at the American Enterprise Institute.* *This article is excerpted from* Business as a Calling: Work and the Examined Life © *1996 by Michael Novak. Reprinted by permission of the Free Press, an imprint of Simon & Schuster, Inc.*

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Town Square

NEWS FROM THE CITIZENSHIP MOVEMENT

Groups to Watch

Foundation Watchdog

In February, **Capital Research Center** announced it was adding a fourth newsletter to its stable of publications. ***Foundation Watch***, a monthly, will investigate the cultural activity of large private donors like the Ford, Rockefeller, and MacArthur foundations, and examine how these foundations respond to dwindling federal support for the arts and humanities. The first issue, for example, reports on the role the Charles F. Kettering Foundation is playing in PBS's "Democracy Project," which the newsletter calls a "multi-million dollar experiment to reorganize the political process to [the foundation's] own liking." **Laurence Jarvik**, who has written two books on the federal government's role in the arts, joins CRC as a fellow in cultural studies and the editor of *Foundation Watch*.

☞ *Capital Research Center—Tel: 202-393-2600, fax: 202-393-2626, e-mail: 74157.3004@compuserve.com.*

Conservative Lawyers?

With the help of a grant from the E.L. Weigand Foundation, the **Federalist Society** is organizing 15 working groups in topics as diverse as criminal law and procedure, environmental law and property rights, financial institutions, religious liberties, and telecommunications and electronic media. Seminars and publications will help participants in these groups evaluate how conservative ideas can shape the U.S. legal system. Membership in the Federalist Society is a condition of participation.

☞ *The Federalist Society—Tel.: 202-822-8138, e-mail: fedsoc@radix.net.*

Kay Coles James to Regent

Kay Coles James, formerly Virginia's Secretary of Health and Human Resources under Governor George Allen, became the dean of **Regent University's Robertson School of Government** on March 1, 1996. James was an energetic advocate of welfare reform, and helped shepherd through the state legislature a reform bill with stiff work requirements for welfare recipients. James has served as a senior vice president of the Family Research Council, the associate director of the Office of National Drug Control Policy, an assistant secretary at the U.S. Department of Health and Human Services, and the president of the Black Americans for Life Committee. At Regent, located in Virginia Beach, she will be stewarding a public-policy school in its fourth year.

☞ *Robertson School of Government, Regent University—Tel.: 804-579-4583.*

Ecumenical Politics

The new **Center for Jewish and Christian Values** will host its inaugural event, a leadership conference, at the Holiday Inn in Crystal City, Virginia, on May 20, 1996. The center was launched last December to promote discussion between Christians and Jews about moral issues, to encourage Christians and Jews to develop a common set of principles for building a more moral society, and to advocate needed changes in public policy and popular culture. At the event, **Michael Novak**, **Jack Kemp**, **William Galston**, **Gary Bauer**, **Michael Medved**, **Wade Horn**, **Rabbi David Saperstein**, and Senators **Joseph Lieberman** and **Dan Coats** will discuss the role of American law in the breakdown of the traditional family; efforts to match at-risk, fatherless children with responsible adults; Hollywood's effect on popular culture; adoption; and the role private religious institutions can play in delivering welfare. **Chris Gersten**, a former Bush administration official, is the director of the center. "I hope we will be able to create a coalition of Christian and Jewish clerical leaders and laity," says Gersten, "to challenge the moral decadence that has taken root throughout our country and in our cities."

☞ *The Center for Jewish and Christian Values—Tel.: 202-682-9571, fax: 202-682-1848.*

Effective Compassion

Last January, the **Center for Effective Compassion** named **David Kuo** as its executive director. Founded in November 1995 by **Arianna Huffington** and **Marvin Olasky**, the Center for Effective Compassion is a nonprofit organization dedicated to transforming the government-centered, bureaucratic, and impersonal welfare system into one that is community-oriented, decentralized, and focused on people. It advocates providing the needy with help that is challenging, personal, and spiri-

Steve Forbes on Civil Society

You know when you play a game of football, you don't call up Washington every time you want to know what's the next play. . . . Too many people in America believed in the past that in order to do something you had to dial the equivalent of 1-800-BIG GOVERNMENT to find out what you should do, but the real strength of our country has always been individuals make those decisions, families make those decisions, communities make those decisions, to tackle the problems we face.

So when you play a game of football, you are not always looking over your shoulder at Washington to figure out what the next play should be. There's no way it could be done. . . . For almost 200 years in America, we had the belief that we could do it on a community level, working together, often voluntarily, whether it is churches, synagogues, charities, schools, hospitals, professional associations, cultural activities, sports activities. We always did things on a local level.

Well, now, this new age we're entering into, we can rediscover those basic strengths so you don't have to dial 1-800 BIG GOVERNMENT to figure out what the next play should be, to figure whether you should throw the Hail Mary, charge, fourth down and you got one yard to go, whether you should punt or run.

—Malcolm S. "Steve" Forbes, quoted in the *New York Times*

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tual. Kuo has served as policy director for Senator **John Ashcroft** of Missouri and the deputy director of policy at Empower America. Kuo has also authored or coauthored five books, including the forthcoming *Active Faith*, written with the **Christian Coalition's Ralph Reed**.

☛ *Center for Effective Compassion—Tel: 202-289-8928, fax: 202-289-6079.*

What Works

Businesslike Nonprofits

A former aide to Democratic senators Gary Hart and Bob Kerrey, **Bill Shore** left political life in 1984 to found **Share Our Strength**, a nonprofit anti-hunger organization run like a for-profit business. Today, Share Our Strength earns over $30 million a year, which it distributes to more than 800 community-based organizations in the U.S., Canada, and the developing world. In his book *Revolution of the Heart*, published last year, Shore describes the nonprofit sector as "rich in compassion and idealism" but "entrepreneurially bankrupt." Shore argues that nonprofits should stop relying on government and foundation grants. By combining social idealism with hard-headed business sense, he contends, nonprofits can become financially self-sustaining. Then they will be able to spend their money "in accordance with [their] best judgment, and not in ways distorted by the desire to please certain grantmakers."

Revolution of the Heart also contains a resource directory of organizations that strengthen communities, such as Break Away, a group in Nashville, Tennessee, that "matches college groups with local nonprofits to provide 'alternative' spring breaks focused on volunteering and community service," and Rural Coalition, an organization based in Arlington, Virginia, that "works to meet the nutrition and health needs of low-income rural populations, especially farm workers and rural minorities."

☛ Revolution of the Heart: A New Strategy for Creating Wealth and Meaningful Organization *by Bill Shore (Riverhead Books).*

Reform Bureaucrats?

While many welfare-reform advocates view work-oriented reform as a step towards reducing the size of government, Princeton scholar **Lawrence Mead** warns that we must not underestimate the importance of government in making reform work. Success in Wisconsin highlights the importance of government as an agent of change. Since 1987, welfare rolls in Wisconsin have declined by 26 percent. Governor **Tommy Thompson** has placed a two-year limit on cash welfare benefits, developed a state-of-the-art computer system for tracking welfare fraud, and has permitted local governments to contract out portions of their welfare services. Most importantly, however, Thompson has energized the bureaucracy by offering it a challenge: to help the poor gain financial security and independence through work. Today, welfare administrators in Wisconsin promote work and encourage people to seek support from nongovernmental sources, including extended families.

☛ *"The Change in Wisconsin Welfare," by Lawrence M. Mead,* Wisconsin Interest, *Fall/Winter 1995. Wisconsin Policy Research Institute—Tel.: 414-963-0600, fax: 414-963-4230.*

Cautionary Tales

Underchallenged Undergraduates

In March, the **National Association of Scholars** (NAS), based in Princeton, released a 68-page study that concludes America's leading colleges are failing to provide undergraduates with a broad and rigorous exposure to major areas of knowledge. NAS examined the general-education and course requirements for the bachelor of arts degree at America's 50 highest-ranked schools in 1914, 1939, 1964, and 1993. After assessing the prevalence, content, and rigor of mandatory courses, NAS asserts

Achievement Against the Odds

On March 13, 1996, the National Center for Neighborhood Enterprise (NCNE) hosted its fourth Achievement Against the Odds Awards, honoring low-income people who have overcome adversity to improve their lives and their communities. NCNE is a nonprofit organization that provides training and assistance to grass-roots organizations serving low-income communities. It also promotes partnerships between businesses and community groups in low-income areas. The Allstate Foundation sponsored this year's awards. The winners for 1996 are:

Steven Holter (Hartford, Conn.) has convinced members of his street gang to visit the elderly, collect food for needy families, and establish drug- and alcohol-free discos for teens. He now mentors Hartford teenagers and offers employment opportunities to youth through his construction company.

Marcus Johnson (Indianapolis, Ind.), 16, is a member of the Marion County Commission on Youth and works for the Bicycle Action Project, a nonprofit group that fixes bicycles and instructs children in bicycle safety.

Robert Nowlin (Baltimore, Md.), the president of his local neighborhood association, has led anti-crime marches and candlelight vigils to protest drug activity in his community, and lobbied for tough anti-drug legislation. He has organized a summer camp for children—all of this despite being blind.

Joel Perez (Elgin, Ill.), a former gang member, founded God's Gym, which provides recreation, and educational opportunities to 300 "at-risk" youth a day.

Linda Rogers (Capitol Heights, Md.) has been addicted to drugs, subjected to abuse, homeless, and incarcerated, but now she trains low-income people in building maintenance and clerical administration for Crawford/Edgewood Managers Inc. She will soon become the assistant housing director of a newly renovated single-room occupancy facility (SRO) in Washington, D.C.

Tonya Smothers (Birmingham, Ala.), a former foster child, financed her own college education and is now financing college for her younger sister. Only 25, she has already founded a block-watch program, organized graffiti clean-up days, and spearheaded outings for local youth.

Eugene Hughes (Washington, D.C.) in 1975 founded Mid-Town Academy, which offers young people a place to congregate, receive tutoring, and learn vocational skills.

For more information, contact NCNE: Tel: 202-331-1103, fax: 202-296-1541.

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that "today's students at leading colleges and universities are not held to the same exacting standards that prevailed as early as 30 years ago."

Many of the required survey courses that once acquainted students with a range of subjects in the humanities, social sciences, and natural sciences have been purged from university curricula; as a result, we are "in danger of losing the common frame of cultural reference that for many years has sustained our liberal, democratic society."

☞ *"The Dissolution of General Education: 1914-1993." National Association of Scholars—Tel.: 609-683-7878, fax: 609-683-0316, e-mail: nas@nas.org, Web site: http://www.nas.org.*

Corporate Philanthropy

The ninth annual edition of *Patterns of Corporate Philanthropy* by the **Capital Research Center** confirms yet again that U.S.-based corporations often fund nonprofit organizations that work *against* their interests. For every dollar American companies donate to free-market advocacy groups, they contribute approximately four dollars to proponents of big government and market restrictions.

Anheuser-Busch, Freddie Mac, Borden, Fannie Mae, Hewlett-Packard, Dayton-Hudson, WMX, J.P. Morgan, Bell Atlantic, AT&T, and BankAmerica are fingered as America's 10 worst corporate givers (those that give the most money to left-wing advocacy organizations). In 1993, Exxon donated $5,000 to the Environmental Law Institute—the same organization that laid the legal groundwork for holding Exxon criminally responsible for the Valdez oil spill.

☞ *Capital Research Center—Tel: 202-393-2600, fax: 202-393-2626.*

Urban Outrage I

To opponents of tort reform who argue that cautious judges and skeptical juries are stemming the tide of frivolous tort litigation, **Richard Miniter** says guess again. New York City, which has no serious tort reform, paid out 187 percent more in tort awards in 1994 than it did in 1984. Despite the city's efforts to improve safety, all kinds of injury claims are up. The increase has been fueled not so much by a rise in the number of cases brought against the city as the size of the awards paid out. What's more, personal-injury claims account for 90 percent of the claims brought against the city. Miniter challenges Governor George Pataki to tackle the trial-lawyer lobby and bring tort reform in New York.

☞ *"Under Siege: New York's Liability Ordeal," by Richard Miniter, Civil Justice Memo No. 23, January 1996. Manhattan Institute—Tel.: 212-599-7000, fax: 212-599-3494.*

Urban Outrage II

In New York, argues **Sol Stern**, educational vouchers are the "school reform that dares not speak its name." This is not because vouchers are unpopular: New Yorkers favor vouchers for public, private, and parochial schools by a margin of 54 to 42 percent. Rather, politically powerful teachers unions have blocked voucher reform. The result, Stern contends, is that public education in New York remains a "$25-billion monopoly industry" whose "first priority is the job security and well-being of the more than 250,000 people who make their livelihoods from it." Stern believes that the only way to reform New York's educational system is through vouchers. Other reform proposals are "system preserving." Only vouchers can transform the system by destroying the teacher-controlled educational monopoly.

☞ *"The School Reform That Dares Not Speak Its Name," by Sol Stern,* City Journal, *Winter 1996.*

Urban Outrage III

When the Artkraft Strauss Sign Corporation agreed to fabricate and install a set of 15-foot metal letters on the roof of a factory building in New York City, its president, **Tama Starr**, had to sign a 101-page contract, including 20 separate documents spelling out affirmative-action requirements. One document required iron workers on the job to be 58.53 percent minority and 7.63 percent female. But another document required that the contractor "will not discriminate . . . on the basis of . . . race, color, creed, national origin, sex, age, handicap, marital status, sexual orientation or affectional preference." "That is all very nice," Starr observes in an article for ***Reason***, "but on the previous page, the contractor was *required* to discriminate."

Although she had no idea how to comply with these mutually contradictory requirements, Starr signed the

Recent Stories in Policy Review

March ◦ April 1996

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January ◦ February 1996

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Fall 1995

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Summer 1995

Sam Beard's Social Security reform would turn minimum-wage earners into millionaires by retirement ◦ Bureaucratic obstacles prevent foster-care children from finding adoptive homes. ◦ A privatized school-lunch program in Rhode Island feeds children nutritious food cheaply.

To order reprints, contact Brendan O'Scannlain at Policy Review. Tel: 202-546-4400. Fax: 202-608-6136. E-mail: polrev@heritage.org.

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contract. She notes, however, that many good companies deliberately refrain from bidding on government or government-subsidized work. "So the government will get what it wants," she writes, "contractors whose race/ gender composition meets government goals, while taxpayers, as usual, foot the bill: in increased costs, in substandard work, and in the payroll of the genetically-approved bureaucrats who scrutinize the reports."

☛ *"The 7.63% Solution," by Tama Starr,* Reason, *February 1996.*

Thoughts on Civil Society

The Conservative Dilemma

In his Francis Boyer Lecture at the **American Enterprise Institute** last winter, **George F. Will** argues that conservatism suffers from a potentially crippling contradiction. On the one hand, it advocates "blanket disdain for government." On the other, "conservatism's vision of civic virtue . . . depends on respect, even reverence for our political regime—for our constitutional order understood as a formative enterprise." Conservatism's challenge is to resolve this contradiction.

The Founders, Will argues, recognized and intended that our constitutional, popular government would bear responsibility for shaping the nation's citizenry: "Statecraft, as the Founders understood it, is soulcraft." Specifically, the Founders designed our Constitution to promote citizens that could govern themselves, principally by denying themselves dependence on government. That's why the Founders carved out a role for a strong central government. A strong central government, they believed, would relieve citizens of their dependence on local and state governments. Says Will, "The Founders hoped that one effect of exalting central government over other governments would be a diminution of the total amount of government—local, state and national."

National government, of course, was to be strictly limited by enumerated powers. But this government was not realized. The Founders had hoped that the acquisitive spirit characteristic of liberal society would be confined to the pursuit of wealth through commerce. Rather, our acquisitive animus was directed towards the central government, from which we have sought well-being. Liberal government has been our accomplice, promoting for some 60 years now the idea that it is the government's responsibility to provide for our material well-being.

To reverse this trend, Will asserts, conservatives must change public opinion. Americans must consent to "government that censors their desires." And just as the Founders intended government to forge the character of its citizens and liberals have used it to fashion a citizenry dependent on government, conservative government must teach us that it is consistent with our constitutional principles to be less dependent on it.

To do this, however, government must be respected. And here lies conservatism's paradox: "Conservatism depends on eliciting from citizens a public-spirited self-denial," Will says. "But that is not easily elicited in a commercial republic of the sort conservatism celebrates, where individualism enjoys maximum scope for private pursuits."

Sure, conservatives fail to promote respect for the government through their "blanket disdain" for it. But more importantly, conservatism seems to promote the same acquisitiveness that liberals have promoted for so long. Conservative anti-government rhetoric renders the government just as servile as it has been under liberal regimes. "And respect is never accorded to the servile," he says. Will's advice: Abandon the populist banner and try instead to articulate how our Constitution and our government requires of our citizens greater independence and greater virtue.

☛ *The Francis Boyer Lecture, by George F. Will, American Enterprise Institute, December 6, 1995. AEI—Tel: 202-862-5800, fax: 202-862-7178. Reprinted in the* Public Interest, *Spring 1996.*

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What's New at Heritage

Armey: "Clinton Crunch"

House Majority Leader **Dick Armey** came to Heritage on February 27, 1996, to announce a nine-point Republican agenda to reverse what he called the "Clinton Crunch"—rising taxes and sinking incomes for working families. Armey's proposal calls for: (1) cutting taxes on investment to create jobs; (2) cutting taxes for working families with children; (3) protecting pensions for working Americans; (4) streamlining regulations that stifle wages and increase prices; (5) reforming the health-insurance market to eliminate "job lock"; (6) empowering workers by consolidating worker-training programs; (7) enforcing the *Beck* decision to end the hidden tax that forces union workers to support partisan politics with their dues; (8) voting on a constitutional amendment to limit taxes; (9) and eliminating wasteful government spending to move power back to the states.

Alexander: Citizenship Agenda

Arguing that "less from Washington has to go hand in hand with more from ourselves," **Lamar Alexander** called for a "citizenship agenda" in a speech at Heritage on January 5, 1996. This agenda means not only dismantling government but also "making it easier for Americans to rebuild those institutions that bind us together: the family, the neighborhood, the church, the synagogue, the school, and the community." Among his specific proposals: job-training vouchers, $1 billion in scholarships to needy schoolchildren, and an end to the federal government's role in welfare.

Buchanan: "Judicial Dictators"

We today have a government of the judiciary, by the judiciary, and for the judiciary," argued **Patrick Buchanan** in a January 29, 1996, lecture at Heritage. To rein in the "out-of-control Court," Buchanan proposed several changes: (1) Appoint federal judges to a term of years rather than for life; (2) make federal appellate and district court judges subject to removal by voters; (3) use the authority granted to Congress by the Constitution to restrict the jurisdiction of the Supreme Court; (4) subject to popular vote each fall any decision of the Supreme Court that creates a new right or overturns a state or federal law; (5) allow the states to amend the Constitution without the approval of Congress.

Index of Economic Freedom

Hong Kong's economy has been rated freest in the world by the latest edition of Heritage's *Index of Economic Freedom.* Singapore was judged to have the second-freest economy; the United States ranked seventh.

Each country was rated on 10 economic factors, including banking, foreign investment, taxes, trade, monetary policies, the size of its government sector, property rights, regulatory restrictions, and black-market activity. Countries were given ratings of one (best) to five (worst) in each category.

Among the former communist countries, the Czech Republic received the best score, ranking 12th. The People's Republic of China, on the other hand, ranked near the bottom, tied with Mauritania and Congo for 121st place.

Several countries showed significant improvement from a year ago, including Panama and Peru, while several others—including Brazil and Mexico—moved in the wrong direction, according to Heritage authors **Bryan T. Johnson** and **Thomas P. Sheehy**.

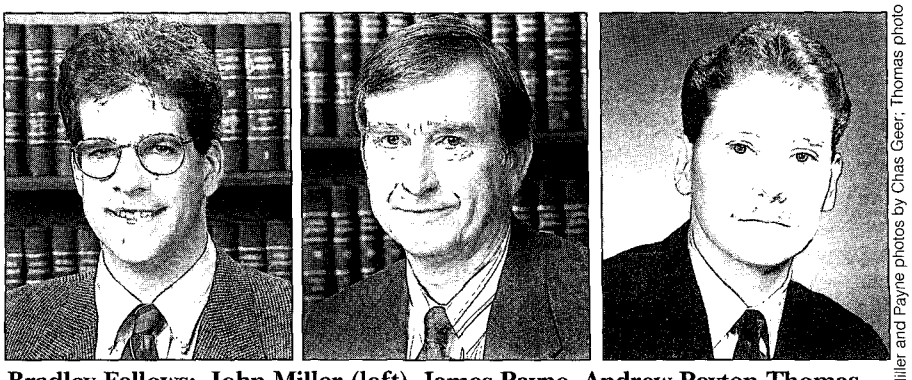
New Bradley Fellows

Three scholars have joined Heritage as Bradley Fellows to write books on citizenship themes.

John J. Miller is calling for a return to the policies of Americanization that helped turn the immigrants of a hundred years ago into citizens proud of their new country. Miller examines whether today's newcomers are embracing the principles of the American political tradition; participating actively in business, churches, and community self-help groups; and learning English as well as earlier immigrants—and if not, whether policies such as bilingual education are discouraging assimilation. Miller is the vice president of the Center for Equal Opportunity. An excerpt from his forthcoming book starts on page 46.

Building on the work of Marvin Olasky, who wrote *The Tragedy of American Compassion* as a Bradley Fellow at Heritage, **James L. Payne** is studying how the 20th-century welfare state has departed from sensible charitable policies of the 19th century. His book will discuss the theory and practice of "expectant giving," social assistance that challenges recipients to change their behavior or to contribute to their support. Payne, who heads Lytton Analysis and Research, in Sandpoint, Idaho, is author of 11 books, including *The Culture of Spending: Why Congress Lives Beyond Our Means* and *Costly Returns: The Burdens of the U.S. Tax System.*

Andrew Peyton Thomas, an assistant attorney general of Arizona, is writing a book on how law enforcement and community standards have been undermined by Supreme Court rulings on criminal rights. Thomas is the author of *Crime and the Sacking of America: The Roots of Chaos.*



Bradley Fellows: John Miller (left), James Payne, Andrew Peyton Thomas.

Miller and Payne photos by Chas Geer; Thomas photo by Bob Wilcox.

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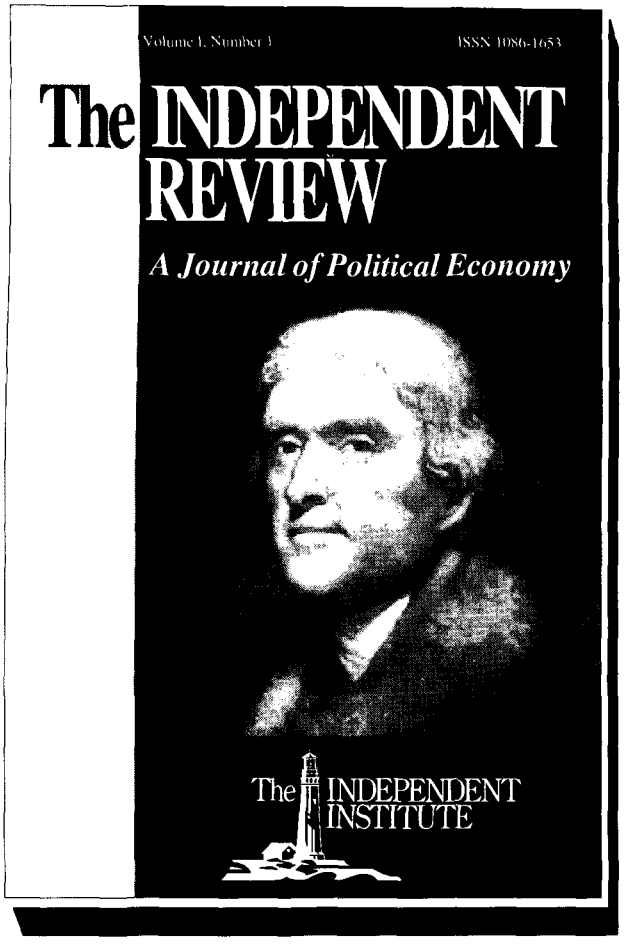
THE FAR-REACHING NEW JOURNAL



The Independent Institute proudly announces the new quarterly journal, ***The INDEPENDENT REVIEW: A Journal of Political Economy*** (***TIR***). Premiering in the spring of 1996, ***TIR*** is a scholarly, inter-disciplinary journal devoted to political economy broadly construed. Transcending the all-too-common fragmentation and politicization in contemporary scholarship and policy debate, ***The INDEPENDENT REVIEW*** is designed to be interesting, informative, wide-ranging, and based on solid scholarship. Featuring new and path-breaking studies by many of the world's finest scholars and policy experts, ***TIR*** authors represent a variety of disciplines, intellectual traditions, and ideological perspectives.

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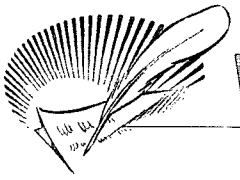

We Hold These Truths

Powers Congress Cannot Delegate

Thomas Jefferson feared the tendency for government to grow and for liberty to yield. The Founders' solution was to create a central government with explicitly limited powers delegated by the people and enumerated in a binding constitution.

Today the power of the federal government is nearly boundless. But even the critics of Big Government have overlooked an equally serious problem. Over the years, Congress has increasingly delegated its lawmaking powers to unelected and politically unaccountable bureaucrats.

A general principle of American jurisprudence, called the doctrine of "nondelegation," is that delegated powers cannot be redelegated. That is, Congress does not have the authority to give away its fundamental lawmaking powers. The Framers wisely followed John Locke's admonition that "the legislative cannot transfer the power of making law to any other hands." Thus Article I of the Constitution begins, "All legislative Powers herein granted shall be vested in a Congress . . . ." For generations, the Supreme Court held that the transfer by Congress of any of these legislative powers to another branch or agency is unconstitutional.

In the late 1930s, however, the Court reversed itself, and upheld laws by which Congress merely instructed agencies to make decisions that served "the public interest." Since then, Congress has ceded its basic legislative responsibility to executive agencies that craft and enforce regulations with the full force of law. The Supreme Court has not invalidated a single delegation of congressional power since 1935.

Today, evidence abounds that Congress has slipped its constitutional moorings. The Americans with Disabilities Act tells employers to make "reasonable accommodation" of handicapped workers unless there is an "undue hardship," but leaves it to the Department of Justice to determine what is reasonable (and required).

The Occupational Safety and Health Act calls for workplace standards that are "reasonably necessary or appropriate to provide safe and healthful employment" but allows the secretary of labor to decide what that means. The Clean Water Act's mandate to protect "navigable rivers" permits the Army Corp of Engineers and the EPA to exercise control over any land that has a certain minimum water content. By law, commercial banks and investment firms can only affiliate if they are "well capitalized," a vague determination made by the Federal Reserve Board and the FDIC. In 1994, the General Accounting Office measured the economic, social, and environmental cost of all regulations at more than $647 billion.

Federal agencies now make the law in many areas; the remedy is to subject all regulation to congressional approval.

The dangers of delegating congressional authority to unelected bureaucrats are many. For one, it allows Congress to exercise its lawmaking authority and enjoy the plaudits from popular laws without taking responsibility for their legal consequences or their costs.

But the chief victim is accountability in government. Originally designed to be the most accountable branch of government, Congress has grown increasingly irresponsible. The fundamental link between voter and lawmaker has been obliterated by unelected regulators hiding behind bad laws. A handful of broadly written laws has spawned an alphabet soup of government agencies and an overwhelming regulatory burden that undermine the very idea of representative government.

Several bills now before Congress seek to rein in unaccountable regulatory agencies. Unfortunately, these reforms aim only to improve regulations by imposing additional procedural requirements on the agencies. In effect, they seek to regulate the regulators.

Instead, Congress should act to restore accountability in government by requiring itself to comply with Article I. The Congressional Responsibility Act would subject all regulation to Congressional approval. Under the bill, a regulation can be approved in one of two ways: (1) through an expedited process designed to limit debate and amendment and allow for a quick vote on uncontroversial regulations; (2) through the regular legislative process, whenever a majority of members agree to waive the expedited method. Regulations would only take effect if approved by both houses of Congress and signed by the president. There would be no need to impose additional procedural requirements on agencies. The bill would not be retroactive.

Sounds radical? This is an ideologically neutral and nonpartisan reform. Concerns about legislative delegation have been voiced by people as politically diverse as Judge Robert Bork and Nadine Strossen, the president of the American Civil Liberties Union.

If we are to restore constitutional government, Congress must first recover its legitimate powers and rein in the regulatory agencies of the executive branch. After all, rebuilding a limited federal government, whose elected representatives are accountable for the laws they pass, is the first step toward restoring the faith of the American people in their leaders and returning to the republic envisioned by our Founders.

by J.D. Hayworth

J.D. Hayworth is a Republican congressman representing the sixth district of Arizona, and the chairman of the House Constitutional Caucus.

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Profiles in Citizenship

Knight Vision

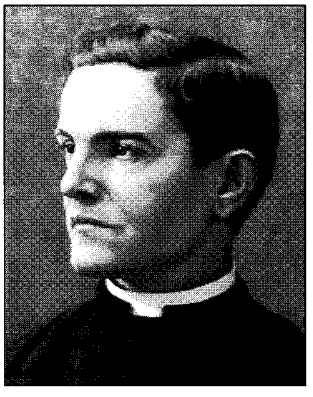
by Matthew Spalding

Matthew Spalding is a contributing editor of Policy Review, The Journal of American Citizenship, *and the co-author of* A Sacred Union of Citizens: Washington's Farewell Address and the American Character, *out this fall from Madison Books.*

In the fall of 1881, Father Michael J. McGivney gathered a small group of men in the basement of St. Mary's Church in New Haven, Connecticut, to start an association to help his Irish immigrant parishioners in their new homeland. No one could have imagined that he was founding what would become one of the largest and most successful private philanthropic service organizations in the world.

As a young assistant pastor, McGivney was not only the spiritual but also the civic leader of his church community. Like many clergymen during the great 19th-century wave of immigration, he was deeply concerned about the unique social burdens and heavy economic pressures faced by his ever-growing immigrant flock. He was equally troubled by the rise of American "secret societies" that tended to be both anti-foreigner and anti-religious.

The son of poor Irish workers, McGivney believed that, to be successful, immigrants had to assimilate into American society without weakening their religious identity and strong sense of family. He had long been active with the youth of his parish, and had earlier organized a total-abstinence society to combat alcoholism.



Fr. Michael McGivney, the first Knight of Columbus.

At the age of 29, McGivney set out to establish a Catholic men's organization that would draw immigrants into American society while strengthening their Catholic faith and pride—a transforming institution that would loosen Old World ties and build new civic bonds informed by a Catholic heritage.

The result was the Knights of Columbus. McGivney named the organization after Christopher Columbus, the Catholic discoverer of the New World, to emphasize the Catholic contribution to America. Members called themselves "knights" to emphasize their service to God and country.

The economic backbone of the organization was a program for life insurance and sick benefits that helped meet the basic expenses of families overwhelmed by illness or the death of the breadwinner. Early membership dues supported a benevolent fund that paid members $5 a week during illness, and a levy of $1 a head funded an endowment that paid $1,000 to a member's family upon his death. These benefits attracted new members and provided financial stability for the organization.

The Knights of Columbus were built upon four principles—Charity, Unity, Fraternity, and Patriotism—that are reflected in their activities to this day. They defend their faith in a pluralistic nation while welcoming all nationalities and building fellowship by means of their religious, social, and educational activities.

Over the years, the Knights have promoted American and Catholic history, and have supported Church activities and programs throughout the world (such as Pope John Paul II's recent trip to the United States). They encourage patriotism and loyalty to the country that defends their liberties. At the same time, they will fight for religious freedom (leading a 1922 battle to overturn Oregon's ban on private and parochial schools) and civic piety (spearheading a petition drive in 1954 to add the words "under God" to the Pledge of Allegiance).

But the heart of the organization, as McGivney intended, has always been charity: supporting members and the community through private benevolence. In 1884, the Knights had 429 members and a budget of $168.60. Today, the Knights number more than 1.5 million members in 10,000 local councils and assemblies, mostly in the United States but also in Canada, the Philippines, Mexico, and several Central American and Caribbean countries. In 1994, the Knights gave more than $100 million in charitable contributions and 48.8 million hours in volunteer service. Over the last 20 years, their philanthropy worldwide has totaled $1.2 billion in contributions and 438 million hours of service.

The vast majority of charitable activities and community projects—from food distribution, blood drives, and helping the elderly and retarded to pancake breakfasts and bowling leagues—are designed and led by the local councils and assemblies and tailored to local needs. All this is accomplished without government aid.

McGivney insisted that the organization be business-like and financially stable. "Make all returns regularly, promptly, and correctly," he directed. "Invest all surplus funds profitably, safely, and legally." Today, the once-meager insurance program is a thriving enterprise with $6 billion in assets and $30 billion in policy coverage. The profits from invested assets provide a solid base ($20 million in 1994) for annual charitable programs. The rest—$80 million in 1994—is raised each year.

Born in Waterbury, Connecticut, McGivney was the oldest of 13 children, six of whom died in childhood. He was never of strong health, and died of consumption at the age of 38.

His 13 busy years as a priest have resulted so far in 114 years of good works and community service. "He was a man of the people," wrote one close associate. "He was ever zealous for the people's welfare and all the kindliness of his priestly soul asserted itself most strongly in his unceasing efforts for the betterment of their condition."

Photo courtesy of the Knights of Columbus

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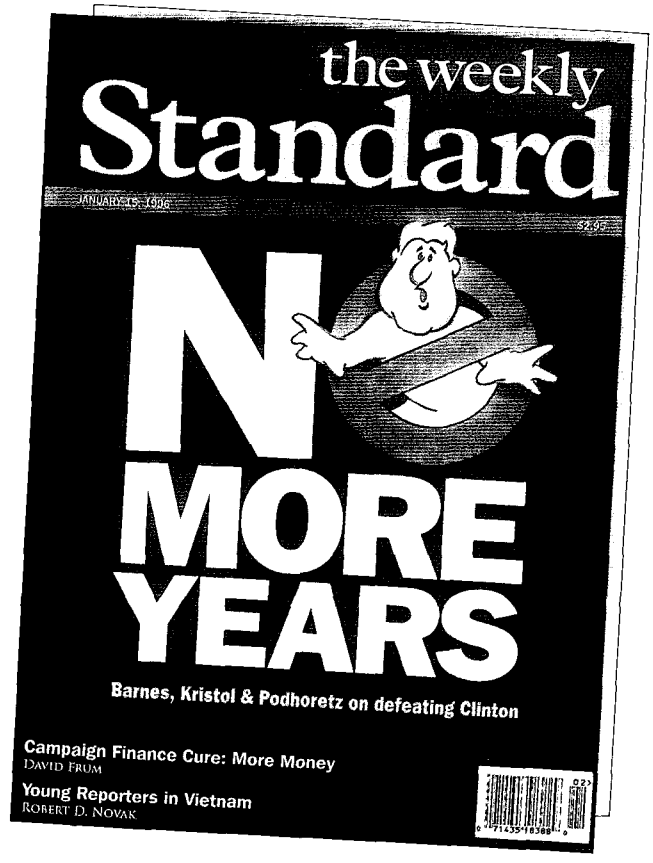

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